

## **EXHIBIT KK**

### **Deposition of Raymond Kelley**

**FREEDOM COURT REPORTING**

| Page 1   | Page 3   |
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| 1     IN THE UNITED STATES DISTRICT COURT<br>2     FOR THE MIDDLE DISTRICT OF ALABAMA<br>3         NORTHERN DIVISION<br>4<br>5     CASE NUMBER: 2:05-CV-1150-T<br>6     DANIEL BRYAN KELLEY,<br>7         Plaintiff,<br>8         vs.<br>9     RICKY OWENS, ET AL.,<br>10      Defendants.   | 1                   *****<br>2                   INDEX<br>3                   EXAMINATION<br>4                   PAGE<br>5     By Ms. McDonald ..... 6<br>6     By Mr. Willford ..... 98<br>7<br>8                   (No exhibits were marked)<br>9<br>10                  *****<br>11<br>12                  S T I P U L A T I O N<br>13                  IT IS STIPULATED AND AGREED by and<br>14     between the parties through their respective<br>15     counsel, that the deposition of Raymond<br>16     Kelley may be taken before Sara Mahler, CSR,<br>17     at the Coosa County Courthouse, at 100 Main<br>18     Street, Rockford, Alabama 35136, on the 24th<br>19     day of September, 2007.<br>20<br>21<br>22                  DEPOSITION OF RAYMOND KELLEY<br>23   |
| 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23  | 11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23   |
| 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23  | Page 4   |
| 1     IT IS FURTHER STIPULATED AND<br>2     AGREED that the signature to and the reading<br>3     of the deposition by the witness is waived,<br>4     the deposition to have the same force and<br>5     effect as if full compliance had been had<br>6     with all laws and rules of Court relating to<br>7     the taking of depositions.<br>8     IT IS FURTHER STIPULATED AND<br>9     AGREED that it shall not be necessary for<br>10    any objections to be made by counsel to any<br>11    questions except as to form or leading<br>12    questions, and that counsel for the parties<br>13    may make objections and assign grounds at<br>14    the time of the trial, or at the time said<br>15    deposition is offered in evidence, or prior<br>16    thereto.<br>17     IT IS FURTHER STIPULATED AND<br>18     AGREED that the notice of filing of the<br>19     deposition by the Commissioner is waived.<br>20<br>21                  *****<br>22<br>23 | 1     IN THE UNITED STATES DISTRICT COURT<br>2     FOR THE MIDDLE DISTRICT OF ALABAMA<br>3         NORTHERN DIVISION<br>4<br>5     CASE NUMBER: 2:05-CV-1150-T<br>6     DANIEL BRYAN KELLEY,<br>7         Plaintiff,<br>8         vs.<br>9     RICKY OWENS, ET AL.,<br>10      Defendants.<br>11<br>12      BEFORE:<br>13                  SARA MAHLER, Commissioner.<br>14      APPEARANCES:<br>15                  RICHARD STOCKHAM, ESQUIRE, of<br>16                  STOCKHAM, CARROLL & SMITH, 2204 Lakeshore<br>17                  Drive, Suite 114, Birmingham, Alabama 35209,<br>18                  appearing on behalf of the Plaintiff.<br>19                  KRISTI MCDONALD, ESQUIRE, of<br>20                  MCDONALD & MCDONALD, 1005 Montgomery<br>21                  Highway, Birmingham, Alabama 35216,<br>22                  appearing on behalf of the Defendants, Wendy<br>23                  Roberson, Terry Wilson, Al Bradley. |

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**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

**FREEDOM COURT REPORTING**

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| <p>1 APPEARANCES (Continued):<br/> 2 GARY L. WILLFORD, JR., ESQUIRE, of<br/> 3 WEBB &amp; ELEY, 7475 Halcyon Pointe Road,<br/> 4 Montgomery, Alabama 36124, appearing on<br/> 5 behalf of the Defendant, Ricky Owens.<br/> 6 ALSO PRESENT: MARY WANDA KELLEY<br/> 7 TERRY WILSON<br/> 8 *****<br/> 9<br/> 10 I, SARA MAHLER, CSR, a Court<br/> 11 Reporter of Wetumpka, Alabama, acting as<br/> 12 Commissioner, certify that on this date, as<br/> 13 provided by the Federal Rules of Civil<br/> 14 Procedure and the foregoing stipulation of<br/> 15 counsel, there came before me at the Coosa<br/> 16 County Courthouse, 100 Main Street,<br/> 17 Rockford, Alabama 35136, beginning at 10:00<br/> 18 a.m., Raymond Kelley, witness in the above<br/> 19 cause, for oral examination, whereupon the<br/> 20 following proceedings were had:<br/> 21 RAYMOND KELLEY,<br/> 22 being first duly sworn, was examined and<br/> 23 testified as follows:</p> | <p>1 that doesn't make sense, and that is a<br/> 2 possibility, just feel free to tell me that<br/> 3 you didn't understand or it didn't make<br/> 4 sense to you. And I'll try to rephrase it<br/> 5 or we'll try to figure it out where it can<br/> 6 make sense.<br/> 7 If you need to take a break at<br/> 8 any time, just let me know, and I'll be more<br/> 9 than happy to stop and let you get up when<br/> 10 you need to, okay?<br/> 11 A. Yes, sir.<br/> 12 Q. How old are you, Mr. Kelley?<br/> 13 A. Fifty-seven.<br/> 14 Q. What is your full name?<br/> 15 A. Melvin Ray Kelley.<br/> 16 Q. And you go by Ray; is that<br/> 17 correct?<br/> 18 A. Yes, ma'am.<br/> 19 Q. What is your date of birth?<br/> 20 A. 12/29/49.<br/> 21 Q. Where do you currently live,<br/> 22 Mr. Kelley?<br/> 23 A. 800 Pineview Lane.</p> |
| Page 6   | Page 8   |
| <p>1 COURT REPORTER: Usual<br/> 2 stipulations?<br/> 3 MS. MCDONALD: That's great.<br/> 4 MR. WILLFORD: That's fine.<br/> 5 EXAMINATION<br/> 6 BY MS. MCDONALD:<br/> 7 Q. Mr. Kelley, I've introduced<br/> 8 myself to you before, I'm Kristi McDonald.<br/> 9 I represent Terry Wilson and Al Bradley and<br/> 10 Wendy Roberson in this lawsuit that's been<br/> 11 filed by your son against them.<br/> 12 Have you ever given a<br/> 13 deposition before?<br/> 14 A. No, ma'am.<br/> 15 Q. You were present when your son<br/> 16 testified and when your wife testified;<br/> 17 correct?<br/> 18 A. Yes, ma'am.<br/> 19 Q. So you kind of know how this<br/> 20 works a little bit?<br/> 21 A. My son, but not my wife.<br/> 22 Q. I'm just going to ask you some<br/> 23 questions today. If I ask you a question</p>  | <p>1 Q. And is that in --<br/> 2 A. Sylacauga.<br/> 3 Q. -- Sylacauga. How long have<br/> 4 you lived at that address?<br/> 5 A. Ten years.<br/> 6 Q. Who resides at that address<br/> 7 with you?<br/> 8 A. Me and my wife.<br/> 9 Q. Okay. Is Bryan currently<br/> 10 living with you?<br/> 11 A. No, ma'am.<br/> 12 Q. Where is he currently?<br/> 13 A. He's currently in Ensley.<br/> 14 Q. What is he doing in Ensley?<br/> 15 A. It's a halfway home.<br/> 16 Q. Do you know the name of the<br/> 17 facility where he's currently residing?<br/> 18 A. It's something like Christian<br/> 19 Academy.<br/> 20 Q. How long has he been there?<br/> 21 A. For about six months.<br/> 22 Q. And before living at the<br/> 23 address in Sylacauga, did you live here in</p>   |

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|---|---|
| <p style="text-align: right;">Page 9</p> <p>1   <b>C</b>oosa County?</p> <p>2   A. Yes, ma'am.</p> <p>3   <b>Q</b>. Okay. Are you currently</p> <p>4   employed Mr. Kelley?</p> <p>5   A. No, ma'am.</p> <p>6   <b>Q</b>. How long has it been since you</p> <p>7   worked?</p> <p>8   A. 1997, I believe it was.</p> <p>9   <b>Q</b>. And when you were currently</p> <p>10   employed, who were you employed with?</p> <p>11   A. Kelley's Roofing and</p> <p>12   Construction.</p> <p>13   <b>Q</b>. Did you own that construction</p> <p>14   company, Mr. Kelley?</p> <p>15   A. Yes, ma'am.</p> <p>16   <b>Q</b>. It's Kelley's Roofing and</p> <p>17   Construction?</p> <p>18   A. Yes, ma'am.</p> <p>19   <b>Q</b>. Is that business still in</p> <p>20   existence?</p> <p>21   A. No, ma'am.</p> <p>22   <b>Q</b>. Did something happen in 1997</p> <p>23   where you stopped working?</p>  | <p style="text-align: right;">Page 11</p> <p>1   <b>R</b>oofing and Construction Company?</p> <p>2   A. Since -- I was in business for</p> <p>3   thirty-five years.</p> <p>4   <b>Q</b>. Sir?</p> <p>5   A. I started it in 19- -- going</p> <p>6   back thirty-five years.</p> <p>7   <b>Q</b>. I won't make you do math this</p> <p>8   morning.</p> <p>9   A. That's what I was trying to</p> <p>10   figure out in my mind.</p> <p>11   <b>Q</b>. I won't make you go back and</p> <p>12   do that. So, after your heart attacks you</p> <p>13   haven't done any work; correct?</p> <p>14   A. No, ma'am.</p> <p>15   <b>Q</b>. Okay. In April of this year,</p> <p>16   when we took your son Bryan's deposition, he</p> <p>17   was living at home with y'all; is that</p> <p>18   right?</p> <p>19   A. Yes, ma'am.</p> <p>20   <b>Q</b>. When was the last time he was</p> <p>21   at home?</p> <p>22   A. It's been -- it's been 2005,</p> <p>23   to the best of my ability.</p>                    |
| <p style="text-align: right;">Page 10</p> <p>1   A. I had two massive heart</p> <p>2   attacks.</p> <p>3   <b>Q</b>. Are you currently on social</p> <p>4   security disability?</p> <p>5   A. Yes, ma'am.</p> <p>6   <b>Q</b>. Do you have any other health</p> <p>7   problems, currently, Mr. Kelley?</p> <p>8   A. Not at the moment.</p> <p>9   <b>Q</b>. Okay. Are you on any type of</p> <p>10   medication today?</p> <p>11   A. I'm on Plavix and Lexapro.</p> <p>12   <b>Q</b>. And now I'm not a doctor, but</p> <p>13   my understanding of those medicines, they</p> <p>14   don't have any side effects that would</p> <p>15   prevent you from testifying today?</p> <p>16   A. No.</p> <p>17   <b>Q</b>. Okay. Do you have any memory</p> <p>18   problems?</p> <p>19   A. No, ma'am.</p> <p>20   <b>Q</b>. And either one of these</p> <p>21   medications affect your memory?</p> <p>22   A. No, ma'am.</p> <p>23   <b>Q</b>. How long did you own Kelley's</p> | <p style="text-align: right;">Page 12</p> <p>1   <b>Q</b>. 2005 is when he moved back in</p> <p>2   with y'all?</p> <p>3   A. No, ma'am. He was released</p> <p>4   from -- he OS'd from prison, and he come to</p> <p>5   live with us. And then we put him -- We</p> <p>6   started putting him in mentally ill homes.</p> <p>7   <b>Q</b>. Beginning in 2005?</p> <p>8   A. Yes, ma'am.</p> <p>9   <b>Q</b>. What homes did you put him in?</p> <p>10   A. There was four.</p> <p>11   <b>Q</b>. Okay. Which ones were they,</p> <p>12   Mr. Kelley?</p> <p>13   A. One in Anniston and three in</p> <p>14   Birmingham.</p> <p>15   <b>Q</b>. Do you remember the name of</p> <p>16   the one in Anniston?</p> <p>17   A. City of Hope, I believe it</p> <p>18   was.</p> <p>19   <b>Q</b>. And then what about the ones</p> <p>20   in Birmingham?</p> <p>21   A. All three in the Birmingham</p> <p>22   was UAB affiliated, and one was Christian</p> <p>23   Academy and one was Northside, I can't</p> |

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| 1 remember the exact name of it. And two was<br>2 on north side -- all three of them was on<br>3 north side.   | 1 we doing sitting in the floor. I said, you<br>2 just didn't know what you was doing, Son.<br>3 Q. And after that, y'all -- Who<br>4 did you contact about getting him some help?<br>5 A. Cheaha Mental Health.  |
| 4 Q. Okay. Is the --<br>5 A. All of them were Christian<br>6 Academy.  | 6 Q. Is there somebody there at<br>7 Cheaha?<br>8 A. We took him to -- We made an<br>9 appointment with Dr. Faber, Dr. David Faber.<br>10 We took him to see Dr. David Faber. And we<br>11 went in with him. And the first words that<br>12 Dr. Faber said, and if you'll excuse my<br>13 language, he said, what son of a bitch has<br>14 done this to this boy.   |
| 7 Q. The one where Bryan is<br>8 currently residing, is that affiliated with<br>9 UAB as well?<br>10 A. Yes, ma'am.  | 15 Q. Did y'all attend the session<br>16 that Bryan had with Dr. Faber that day, the<br>17 first day he met with him?<br>18 A. Yes, ma'am.  |
| 11 MR. WILLFORD: Mr. Kelley, I<br>12 hate to interrupt, I'm having some<br>13 difficulty hearing you down here. We've got<br>14 traffic going in and out, and it's hard for<br>15 me to hear you.  | 19 Q. What do you recall Bryan<br>20 telling Dr. Faber the very first time you<br>21 met with him?<br>22 A. He went through the details of<br>23 what happened to him in the Coosa County   |
| 16 THE WITNESS: Yes, sir.<br>17 Q. You said after he got released<br>18 in 2005 from prison, he came back home?<br>19 A. Yes, ma'am.<br>20 Q. Did something happen after he<br>21 got back home that made y'all realize that<br>22 he didn't need to live with you?<br>23 A. Yes, ma'am.   | Page 14   |
| 1 Q. Can you tell me what that was?<br>2 A. One evening about four<br>3 o'clock, he come out of his bedroom, and he<br>4 had a blank stare in his eyes; he wasn't<br>5 looking at anything or anybody. He sat down<br>6 in the floor, he picked up one of the -- We<br>7 have a little applehead Chihuahua -- a lot<br>8 of little toys that the puppy played with.<br>9 And he picked that toy up and started<br>10 beating it against the floor and beating it<br>11 and hitting on it and hollering. I'm not a<br>12 queer, Al Bradley. I'm not a queer, Al<br>13 Bradley. Leave me alone. Leave me alone Al<br>14 Bradley. I'm not a queer.<br>15 And this went on for two<br>16 hours. I sat down with him and got him by<br>17 the hands, and I finally talked him out of<br>18 it to the point to where he realized what he<br>19 was doing. And he looked at me, and he<br>20 said, Daddy, what are we doing sitting in<br>21 the floor. And what are we doing holding<br>22 each other's hands. I said, can't I hold<br>23 your hand. And he said, yeah, but what are | 1 Jail.<br>2 Q. Can you tell me specifically<br>3 what details he provided to the doctor?<br>4 A. He told Al Bradley, at night,<br>5 he would sit and wait on the click, because<br>6 he knew at night if he ever heard that key<br>7 click, that Al Bradley was coming -- was<br>8 going to come in there and beat him, him and<br>9 another deputy, onlyest thing that he could<br>10 prescribe about the other deputy was he wore<br>11 a speed holster and he could see the man did<br>12 not intentionally want to do it. But Al<br>13 Bradley made him hold him while he kicked<br>14 him in the testicles, while he kicked him in<br>15 the side, kicked two of his teeth out. He<br>16 kicked him in the testicles to where he was<br>17 urinating blood.<br>18 Q. Anything else that you recall<br>19 that you told Dr. Faber that day?<br>20 A. He said that he had begged for<br>21 water, and they wouldn't give him any water.<br>22 He said that they made him sleep on the<br>23 floor. They wouldn't -- There's a slab at |

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| <p style="text-align: right;">Page 17</p> <p>1 the back of the hole, what they call the<br/>2 hole, and they would give him a two-inch mat<br/>3 at night to sleep on right next to the hole<br/>4 where he urinated and feced in. And they<br/>5 wouldn't let him sleep on -- put his mat up<br/>6 on that slab because Ricky Owens was scared<br/>7 he would fall off and hurt himself.</p> <p>8 He said that Al Bradley had<br/>9 tried to stick a broom stick up his rectum.<br/>10 Had hit him several -- beat him several<br/>11 occasions with a hose pipe that had black<br/>12 duct tape on it that was about four to five<br/>13 foot long.</p> <p>14 Q. All this he related to<br/>15 Dr. Faber when he first saw him?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. What did Dr. Faber recommend<br/>18 that y'all do?</p> <p>19 A. He put him on several<br/>20 different kinds of medication and had us to<br/>21 preadmit him to Hillcrest Hospital.</p> <p>22 Q. Is Dr. Faber on staff at<br/>23 Hillcrest?</p> | <p style="text-align: right;">Page 19</p> <p>1 A. Sylacauga.<br/>2 Q. Okay. And he was charged with<br/>3 first degree assault?<br/>4 A. Yes, ma'am.<br/>5 Q. Did he plead guilty?<br/>6 A. No, ma'am. It hasn't ever<br/>7 come to court.<br/>8 Q. After his deposition in<br/>9 April -- the first of April of this year,<br/>10 did something happen to make Sylacauga come<br/>11 and pick him up?<br/>12 A. Yes, ma'am. The car wreck.<br/>13 Q. They charged him with the car<br/>14 wreck then?<br/>15 A. No, ma'am. It was two<br/>16 weeks -- three weeks later.<br/>17 Q. Okay.<br/>18 A. No. It was -- I'm sorry. It<br/>19 was three months later because he stayed in<br/>20 a coma for -- on life support for three<br/>21 weeks, and then they kept him another three<br/>22 or four weeks there at UAB because he was --<br/>23 he died three times.</p> |
| <p style="text-align: right;">Page 18</p> <p>1 A. No, ma'am. He's retired, and<br/>2 he sees just a very few people. But after<br/>3 he heard Bryan's story, he continued to see<br/>4 Bryan.</p> <p>5 Q. And I'll come back to this,<br/>6 but let me ask you this: In April after we<br/>7 deposed Bryan, did he have any more problems<br/>8 with the law?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Okay. And is that why he is<br/>11 currently being housed in Ensley?</p> <p>12 A. He was released to Ensley<br/>13 on -- He had a car wreck, and they brought<br/>14 first degree assault charges against him.<br/>15 And --</p> <p>16 Q. Is that the car wreck -- Let<br/>17 me make sure that you and I are kind of on<br/>18 the same page so I don't get confused. That<br/>19 is the car wreck he had last November?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. And who brought the charges<br/>22 against him? Which city or which<br/>23 department?</p>   | <p style="text-align: right;">Page 20</p> <p>1 Q. At some point though, charges<br/>2 were brought against him by the City of<br/>3 Sylacauga?<br/>4 A. Yes, ma'am.<br/>5 Q. Okay. And did he get out on<br/>6 bond after he was arrested?<br/>7 A. Yes, ma'am. Yes, ma'am.<br/>8 Q. Who posted bond?<br/>9 A. I did.<br/>10 Q. Do you remember what his bond<br/>11 was, Mr. Kelley?<br/>12 A. Fifty thousand.<br/>13 Q. All right. When did you post<br/>14 the bond for him?<br/>15 A. Same day that he was arrested.<br/>16 Q. Okay. And at some point was<br/>17 the bond revoked?<br/>18 A. Yes, ma'am.<br/>19 Q. Did something happen to cause<br/>20 his bond to be revoked?<br/>21 A. He left the hospital without<br/>22 their knowledge, and Judge Bo Hollingsworth<br/>23 revoked it.</p>  |

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| <p style="text-align: center;">Page 21</p> <p>1       <b>Q.</b> What hospital was he in where<br/>2       he left without permission?<br/>3       A. UAB.<br/>4       <b>Q.</b> To your knowledge, has he had<br/>5       any other charges brought against him since<br/>6       April of this year?<br/>7       A. No, ma'am. Just the car wreck<br/>8       is the only thing that he's had.<br/>9       <b>Q.</b> And when his bond was revoked,<br/>10      did he go back to Sylacauga jail?<br/>11      A. Yes, ma'am. And they<br/>12      transferred him to Talladega jail.<br/>13      <b>Q.</b> They transferred him to<br/>14      Talladega County?<br/>15      A. Yes, ma'am.<br/>16      <b>Q.</b> When did he go to this halfway<br/>17      house?<br/>18      A. About a week later.<br/>19      <b>Q.</b> And is Judge Hollingsworth the<br/>20      one that made that call for him to be<br/>21      transferred to rehab?<br/>22      A. Judge Hollingsworth, yes,<br/>23      ma'am.</p> | <p style="text-align: center;">Page 23</p> <p>1       wreck.<br/>2       <b>Q.</b> But since April of this year,<br/>3       since we took his deposition, he's been in<br/>4       Talladega and Sylacauga and then this rehab<br/>5       facility?<br/>6       A. Yes, ma'am.<br/>7       <b>Q.</b> Anywhere else that he has been<br/>8       housed that you are aware of?<br/>9       A. Like I said, there was three<br/>10      in Birmingham, but I can't recall their<br/>11      names.<br/>12      <b>Q.</b> But just since April of this<br/>13      year?<br/>14      A. April of this year, he's been<br/>15      at the City of Hope, I believe it is.<br/>16      <b>Q.</b> Okay. So he has not lived<br/>17      with y'all since April of this year;<br/>18      correct?<br/>19      A. No, ma'am.<br/>20      <b>Q.</b> Okay.<br/>21      A. No, ma'am.<br/>22      <b>Q.</b> Do you know how long he is<br/>23      scheduled to be in the rehab facility in</p> |
| <p style="text-align: center;">Page 22</p> <p>1       <b>Q.</b> Who is representing Bryan on<br/>2       the assault charges?<br/>3       A. Mr. Luker.<br/>4       <b>Q.</b> Out of Birmingham?<br/>5       A. Yes, ma'am.<br/>6       <b>Q.</b> Do you know if that case is<br/>7       currently set for trial?<br/>8       A. No, ma'am, it's not.<br/>9       <b>Q.</b> Has there been another lawsuit<br/>10      filed against Bryan as a result of that<br/>11      accident?<br/>12      A. Yes, ma'am. Of damages due to<br/>13      her car.<br/>14      <b>Q.</b> Okay. Do you know what the<br/>15      status is of that lawsuit?<br/>16      A. Ma'am?<br/>17      <b>Q.</b> Do you know what the status of<br/>18      that lawsuit is?<br/>19      A. No, ma'am.<br/>20      <b>Q.</b> Other than -- Let's see.<br/>21      Bryan has been in Sylacauga in jail and<br/>22      Talladega County in jail and then is it --<br/>23      A. It's all related to the car</p>                       | <p style="text-align: center;">Page 24</p> <p>1       Ensley?<br/>2       A. Until they bring him back<br/>3       every month and Mr. Hollingsworth does an<br/>4       assessment on him. So, no, ma'am, I don't<br/>5       have any idea.<br/>6       <b>Q.</b> Okay.<br/>7       A. Because he's not capable of<br/>8       being under the pressure of a trial.<br/>9       <b>Q.</b> Is Bryan married?<br/>10      A. Yes, ma'am.<br/>11      <b>Q.</b> Okay. When did he get<br/>12      married?<br/>13      A. Bryan married when he was<br/>14      nineteen years old.<br/>15      <b>Q.</b> Okay. And how long did he<br/>16      stay married to his first wife?<br/>17      A. Six years.<br/>18      <b>Q.</b> When did he marry again?<br/>19      A. He's never married again.<br/>20      <b>Q.</b> So he's currently not married,<br/>21      correct?<br/>22      A. No, ma'am.<br/>23      <b>Q.</b> The marriage you have with</p>                              |

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**367 VALLEY AVENUE  
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## FREEDOM COURT REPORTING

|   |   |
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| <p>1 Mrs. Kelley, is that the only marriage<br/>2 you've had?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. And do you have any<br/>5 children other than Bryan and his brother?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. You do. How many other<br/>8 children do you have?</p> <p>9 Do you have any other children<br/>10 other than Bryan and his brother?</p> <p>11 A. No, ma'am.</p> <p>12 Q. Just the two boys?</p> <p>13 A. Two boys.</p> <p>14 Q. And your other son's name?</p> <p>15 A. Shannon Ray.</p> <p>16 Q. Where does Shannon live?</p> <p>17 A. He lives on Coleman Bridge<br/>18 Road, 1129 Coleman Bridge Road.</p> <p>19 Q. Mr. Kelley, when was the first<br/>20 time you can remember Bryan using either<br/>21 alcohol or drugs?</p> <p>22 A. Alcohol, when he was about<br/>23 eighteen; drugs, when he was thirty-five.</p>      | <p>1 about a year?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Okay. And when was the next<br/>4 time that you knew he was drinking?</p> <p>5 A. He didn't.</p> <p>6 Q. Didn't drink during that year,<br/>7 eighteen to nineteen?</p> <p>8 A. No, ma'am.</p> <p>9 Q. Okay. And did he drink after<br/>10 he got home from the military?</p> <p>11 A. Yes, ma'am, on occasion.</p> <p>12 Q. Okay.</p> <p>13 A. They were going fishing or<br/>14 something like that.</p> <p>15 Q. How long was he in the<br/>16 military?</p> <p>17 A. He broke his back in the<br/>18 military, he was in basic training. He had<br/>19 three hundred and sixty-five days of --<br/>20 three hundred sixty-seven days of active<br/>21 duty.</p> <p>22 Q. Before he broke his back?</p> <p>23 A. No, ma'am. He broke his back</p>   |
| Page 26   | Page 28   |
| <p>1 Q. Okay. Eighteen, would he have<br/>2 been a senior in high school?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. And to your knowledge, that<br/>5 was the first time when he started drinking?</p> <p>6 A. Well, he probably didn't<br/>7 drink -- He had went to a party, and he come<br/>8 home messed up, and that was the only time I<br/>9 ever knew him to drink.</p> <p>10 Q. After that, did he start<br/>11 drinking regularly?</p> <p>12 A. No, ma'am.</p> <p>13 Q. Do you know?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Was he living with y'all that<br/>16 year?</p> <p>17 A. Yes, ma'am. He lived with us<br/>18 until he went into the military.</p> <p>19 Q. How old was he when he went<br/>20 into the military?</p> <p>21 A. Nineteen.</p> <p>22 Q. Okay. So he graduated from<br/>23 high school and then lived with y'all for</p> | <p>1 military -- I mean in the basic training,<br/>2 and they give him an honor --</p> <p>3 Q. Honorable discharge?</p> <p>4 A. Honorable discharge. And then<br/>5 he went into the National Guard and served<br/>6 out two years, I think it was, with the<br/>7 National Guard there in Sylacauga.</p> <p>8 Q. Okay. And during the time he<br/>9 was in the National Guard, was he living<br/>10 with you?</p> <p>11 A. No, ma'am.</p> <p>12 Q. Who was he living with then?</p> <p>13 A. He had his own home.</p> <p>14 Q. Was he married?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. When was the -- I guess, the<br/>17 first time you realized Bryan started<br/>18 drinking more regularly?</p> <p>19 A. When he joined the National<br/>20 Guard, they drank quite frequently. Top as<br/>21 they called him, would have parties at his<br/>22 house. Top, that's what you call the man<br/>23 that's in charge of the whole unit.</p> |

7 (Pages 25 to 28)

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| <p style="text-align: right;">Page 29</p> <p>1       Q. So they would start having<br/>2 parties and would drink?<br/>3       A. Yes, ma'am. They'd have one a<br/>4 month.<br/>5       Q. Up until that time, had you<br/>6 ever thought Bryan had an alcohol problem?<br/>7       A. No.<br/>8       Q. I know he already graduated<br/>9 from high school, but did you have any<br/>10 problems with him while he was in school?<br/>11      A. No, ma'am. Bryan was a<br/>12 perfect student. Never once called to<br/>13 school because of any trouble Bryan had got<br/>14 into.<br/>15      Q. Any problems with his grades?<br/>16      A. No, ma'am.<br/>17      Q. What kind of student was he?<br/>18      A. He was excellent.<br/>19      Q. Did you have any problems with<br/>20 him fighting?<br/>21      A. No, ma'am. Bryan would walk<br/>22 away from a fight.<br/>23      Q. When would you say was the</p>  | <p style="text-align: right;">Page 31</p> <p>1 sure I understand. You said to your<br/>2 knowledge he didn't have a problem with<br/>3 alcohol until he was thirty-two; is that<br/>4 right? He was thirty-two years old?<br/>5       A. Yes, ma'am -- Well, when he<br/>6 joined the National Guard, they would have<br/>7 those parties. But as far as drinking, he<br/>8 worked with me and, no, I didn't allow no<br/>9 drinking.<br/>10      Q. So you never had any problems<br/>11 with him -- You were his boss, huh?<br/>12      A. No problem drinking.<br/>13      Q. No drinking on the job?<br/>14      A. You keep your shirts and<br/>15 clothes on. Our business was based on<br/>16 Christian owned, Christian run.<br/>17      Q. Did you advertise that way?<br/>18      A. Yes, ma'am. He was in church<br/>19 every Sunday and every Wednesday.<br/>20      Q. Where did y'all go to church?<br/>21      A. Stewartville Church of God.<br/>22      Q. Where is that?<br/>23      A. In Stewartville, about five</p> |
| <p style="text-align: right;">Page 30</p> <p>1 first time that his drinking caused him any<br/>2 problems?<br/>3       A. When he was thirty-two, if my<br/>4 memory serves me right. They used to have a<br/>5 pool tournament at Ogle's Paint and Body<br/>6 Shop. He couldn't have -- He played until<br/>7 10 o'clock -- ten minutes until ten, so, no,<br/>8 he wasn't drinking. And he wanted to go<br/>9 down there and shoot in that tournament. He<br/>10 left the house at ten minutes to ten, he got<br/>11 back at the house at fifteen minutes after<br/>12 ten and said -- said we've been in a fight<br/>13 with Rodney, that's my nephew.<br/>14       They said he was drinking, but<br/>15 he was not drinking a drop when he left my<br/>16 house, because we had been sitting there<br/>17 playing Monopoly for about three hours.<br/>18      Q. Bryan's date of birth is 1971?<br/>19      A. Yes, ma'am.<br/>20      Q. So you said the first time --<br/>21 How old is he now? Let's see?<br/>22      A. He's thirty-six.<br/>23      Q. Thirty-six. So let me make</p> | <p style="text-align: right;">Page 32</p> <p>1 miles up the road.<br/>2       Q. Okay. And I guess he went to<br/>3 church with y'all up until the point he<br/>4 graduated from high school?<br/>5       A. Until he went into the<br/>6 military.<br/>7       Q. Until the military. Up until<br/>8 he went into the military, had he ever had<br/>9 any problems with the law?<br/>10      A. No, ma'am.<br/>11      Q. No DUIs?<br/>12      A. Huh-uh.<br/>13      Q. No assault or fighting to your<br/>14 knowledge?<br/>15      A. Huh-uh.<br/>16      Q. You've got to answer out loud.<br/>17      A. No.<br/>18      Q. How old was Bryan when he went<br/>19 to work for you, Mr. Kelley?<br/>20      A. When he come back from basic<br/>21 training, he couldn't do anything for a year<br/>22 and a half, and then when he got to the<br/>23 point to where he could maneuver around a</p>  |

**FREEDOM COURT REPORTING**

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|---|--|
| <p>1 little bit, he was allowed to make so much<br/>     2 over his disability. And when he ran that<br/>     3 out, he had to, you know -- to the point to<br/>     4 where he couldn't work no more.</p> <p>5 Q. So he would just work for you<br/>     6 to make enough money to supplement his<br/>     7 disability?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. Okay. And did he work for<br/>     10 you, I guess, kind of part time until you<br/>     11 closed your business in 1997?</p> <p>12 A. Other than when he was<br/>     13 incarcerated.</p> <p>14 Q. Had he been incarcerated prior<br/>     15 to the time you closed your business?</p> <p>16 A. Well, he was incarcerated when<br/>     17 I had the heart attack.</p> <p>18 Q. Okay. What had happened to<br/>     19 cause him to be incarcerated?</p> <p>20 A. The night that he left the<br/>     21 house that we were playing the game, he went<br/>     22 to Ogle's Body Shop. Rodney Smith is a<br/>     23 nephew of mine, and Rodney Smith worked for</p> | <p>1 A. It was about that time.<br/>     2 Q. Okay.<br/>     3 A. 2002 or 2003.<br/>     4 Q. I'm a little confused on my<br/>     5 dates, so just forgive me here. When<br/>     6 Bryan -- When they had this -- he and<br/>     7 Mr. Smith had this altercation, up until<br/>     8 that point, had Bryan ever been<br/>     9 incarcerated?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Okay. When was the first time<br/>     12 you recall him being incarcerated?</p> <p>13 A. The first time was probably<br/>     14 when he was thirty.</p> <p>15 Q. And do you know what he was<br/>     16 incarcerated for?</p> <p>17 A. I believe it was for alluding.<br/>     18 I'm not sure about that now.</p> <p>19 Q. When was the first time Bryan<br/>     20 received any kind of rehab treatment?</p> <p>21 A. Rehab treatment? When they<br/>     22 would -- Really basic psychiatry treatment<br/>     23 was when he was released from, he was</p> |
| Page 34   | Page 36  |
| <p>1 me too. And they started out practical<br/>     2 joking, and it escalated to the point to<br/>     3 where they got mad at each other. And at 10<br/>     4 o'clock Rodney Smith showed up at the Ogle's<br/>     5 Paint and Body Shop and stood in the door<br/>     6 with his arms crossed. And Bryan tried to<br/>     7 get out, and the fight started.</p> <p>8 But on the witness stand, the<br/>     9 doctor report plainly stated that it was an<br/>     10 abrasion. They found the knife in the<br/>     11 parking lot the next day and they said that<br/>     12 Bryan had cut him. They brought first<br/>     13 degree charges -- first degree assault<br/>     14 charges against him on that. He ended up<br/>     15 spending five years in the penitentiary.</p> <p>16 Q. So Rodney Smith pressed<br/>     17 charges against him?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. What county?</p> <p>20 A. Coosa.</p> <p>21 Q. Coosa?</p> <p>22 A. That was when --</p> <p>23 Q. Okay. Was this in 2003?</p>    | <p>1 released -- when he OS'd from Bullock.<br/>     2 That's a mental department for the --<br/>     3 Q. Right. But all through high<br/>     4 school, him growing up, had he ever been<br/>     5 diagnosed as having any kind of mental<br/>     6 illness?</p> <p>7 A. No, ma'am.</p> <p>8 Q. Had y'all ever taken him to a<br/>     9 psychiatrist or psychologist?</p> <p>10 A. No, ma'am.</p> <p>11 Q. Received any counseling?</p> <p>12 A. No, ma'am.</p> <p>13 Q. Did he take any type of<br/>     14 medication regularly growing up?</p> <p>15 A. No, ma'am.</p> <p>16 Q. Make sure I understand: To<br/>     17 your knowledge, he did not see a<br/>     18 psychiatrist or psychologist until he was<br/>     19 released from prison?</p> <p>20 A. From Bullock.</p> <p>21 Q. Up until that time y'all<br/>     22 didn't have to take him anywhere for any<br/>     23 kind of treatment for him?</p>                                     |

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| Page 37   | Page 39   |
|---|---|
| <p>1       A. No, ma'am.</p> <p>2       Q. Okay. And he would have been<br/>3 released in 2005 from Bullock?</p> <p>4       A. I believe it was 2005.</p> <p>5       Q. All right. He was put in<br/>6 Coosa County Jail in 2003, in November of<br/>7 2003, does that sound right to you?</p> <p>8       A. No, ma'am. Because he done<br/>9 the whole five years that the judge ordered<br/>10 him to do, and they kept him here in Coosa<br/>11 County Jail for a certain amount of time.</p> <p>12      And then he went into liver and kidney<br/>13 failure, transferred to Russell Hospital.</p> <p>14      And then when he was released from there,<br/>15 they transferred him to Clay County jail;<br/>16 and then from Clay County jail, he stayed<br/>17 over there about six or eight months; and<br/>18 then they sent him -- he asked to be sent on<br/>19 to prison.</p> <p>20      Q. All right. I may be a little<br/>21 bit confused, but I'm trying to figure<br/>22 out -- Y'all didn't have any problems with<br/>23 him while he was in high school; right?</p> | <p>1       I wouldn't approve of it.</p> <p>2       Q. Are you a drinker, Mr. Kelley?</p> <p>3       A. No.</p> <p>4       Q. You don't drink at all?</p> <p>5       A. No.</p> <p>6       Q. Is there any alcoholism in<br/>7 y'all's family?</p> <p>8       A. My brother was an alcoholic.</p> <p>9       Q. When did you first think that<br/>10 he had a problem with alcohol? As a dad,<br/>11 when did you think there's a problem here?</p> <p>12      A. When he came from one of the<br/>13 parties, and we had to go out to the car and<br/>14 tote him in. He was throwing up. The next<br/>15 morning I sat down and had a heart-to-heart<br/>16 talk with him.</p> <p>17      Q. How old would he have been at<br/>18 that time?</p> <p>19      A. He would have been about<br/>20 twenty-five, twenty-seven.</p> <p>21      Q. Okay. And would he have<br/>22 already been married at this time?</p> <p>23      A. Yes, ma'am.</p> |
| Page 38   | Page 40   |
| <p>1       A. Right</p> <p>2       Q. Y'all didn't have any problems<br/>3 with him when he was in high school.</p> <p>4       A. Yeah.</p> <p>5       Q. No problems, great kid, easy?</p> <p>6       A. Yes.</p> <p>7       Q. And then he gets out and he<br/>8 joins the military?</p> <p>9       A. Yes, ma'am.</p> <p>10      Q. And y'all didn't have any<br/>11 problems with him up until that point;<br/>12 right?</p> <p>13      A. Right.</p> <p>14      Q. And then when he got home<br/>15 after he had broken his back, and he got in<br/>16 the National Guard is when you first noticed<br/>17 he was drinking regularly?</p> <p>18      A. Well, it wasn't regularly. It<br/>19 was when Top would throw a party, he would<br/>20 get intoxicated. And, you know, I'd see him<br/>21 every once in a while with a six-pack of<br/>22 beer, and I'd always get on to him. He'd<br/>23 try to keep it hid from me, because he knew</p>  | <p>1       Q. Did he have a baby already?</p> <p>2       A. Yes, ma'am.</p> <p>3       Q. And you just thought maybe he<br/>4 was getting a little out of hand?</p> <p>5       A. Yes, ma'am.</p> <p>6       Q. Okay. Up until that point,<br/>7 had he ever been arrested for a DUI?</p> <p>8       A. I think so.</p> <p>9       Q. Okay. Were you aware that he<br/>10 had had a DUI?</p> <p>11      A. Yes, ma'am.</p> <p>12      Q. To your knowledge, where did<br/>13 he get his first DUI?</p> <p>14      A. Coosa County.</p> <p>15      Q. Did he spend any time in jail<br/>16 as a result of that DUI?</p> <p>17      A. I think it's mandatory that<br/>18 they hold you twenty-four hours. I don't --</p> <p>19      Q. Okay. Did he get any type of<br/>20 treatment for alcohol abuse at that time,<br/>21 even if it was court ordered?</p> <p>22      A. No, ma'am.</p> <p>23      Q. Okay.</p>                                 |

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**FREEDOM COURT REPORTING**

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| <p>1       A. No, ma'am. We just paid the<br/>2 fine.</p> <p>3       Q. And that was the end of it?</p> <p>4       A. Uh-huh.</p> <p>5       Q. Okay. After the first DUI,<br/>6 how long was it before he got another one?</p> <p>7       A. Several months. Matter of<br/>8 fact, it could have been possibly up to a<br/>9 year.</p> <p>10      Q. Okay. So he went a while<br/>11 without getting a DUI?</p> <p>12      A. Yes, ma'am.</p> <p>13      Q. And I know he wasn't living at<br/>14 home with you, Mr. Kelley, so I know that<br/>15 you may not have known what was going on. I<br/>16 just want to know what you know.</p> <p>17      How far was he and his wife<br/>18 living from y'all?</p> <p>19      A. Probably a half mile.</p> <p>20      Q. Did you see them pretty<br/>21 regularly?</p> <p>22      A. Yes, ma'am.</p> <p>23      Q. Did his wife ever come to you</p> | <p>1       you to say, wait a minute, this has got to<br/>2 stop?</p> <p>3       A. Well, you can detect things in<br/>4 your children that other people can't.</p> <p>5       Q. Yes, sir. That, I understand.</p> <p>6 So you think Hillcrest would have been the<br/>7 first place that y'all went to?</p> <p>8       A. Yes, ma'am.</p> <p>9       Q. It was a five-day program?</p> <p>10      A. Yes, ma'am.</p> <p>11      Q. Would y'all have met with the<br/>12 doctors too?</p> <p>13      A. Yes, ma'am.</p> <p>14      Q. Do you have any idea,<br/>15 Mr. Kelley, about what time frame this would<br/>16 have been?</p> <p>17      A. Not really. Him and Marcy<br/>18 were still living together.</p> <p>19      Q. He and Marcy have a daughter<br/>20 together, correct?</p> <p>21      A. Yes, ma'am.</p> <p>22      Q. Do y'all get to see your<br/>23 granddaughter?</p>  |
| Page 42  | Page 44  |
| <p>1 and tell you that she thought he was having<br/>2 a problem with alcohol?</p> <p>3       A. She didn't to me, but she did<br/>4 to my wife.</p> <p>5       Q. And did y'all try to get him<br/>6 help at that point?</p> <p>7       A. I tried my best to talk to<br/>8 him.</p> <p>9       Q. At some point, did you take<br/>10 him or try to get him admitted to get some<br/>11 help?</p> <p>12      A. Yes, ma'am.</p> <p>13      Q. Where was the first place you<br/>14 remember trying to get him admitted?</p> <p>15      A. We took him to -- I believe it<br/>16 was Hillcrest. They have a five-day<br/>17 program.</p> <p>18      Q. Was there something that<br/>19 prompted you to take him? Anything that<br/>20 happened?</p> <p>21      A. I didn't want to see him ruin<br/>22 his life because of alcohol.</p> <p>23      Q. Did he do anything that caused</p>           | <p>1       A. Yes, ma'am.</p> <p>2       Q. Do you have some type of<br/>3 visitation with her or is Marcy pretty good<br/>4 to y'all about letting you see her?</p> <p>5       A. Yes, ma'am.</p> <p>6       Q. How often do you get to see<br/>7 her?</p> <p>8       A. We see her every Sunday at<br/>9 church, and we can go and get her any time<br/>10 we want to. Bryan has custody rights still.</p> <p>11      Q. After Bryan got out of<br/>12 Hillcrest, when was the next time you<br/>13 remember him having problems with alcohol?</p> <p>14      A. The next time was about two<br/>15 years later. And he had pulled somebody out<br/>16 of the woods because their vehicle -- He had<br/>17 a four-wheel, and their vehicle was a two<br/>18 wheel, and he pulled them out of the woods.<br/>19 And when he got to Weogufka they wanted him<br/>20 to -- they didn't have any lights on the<br/>21 vehicle, so they wanted him to be their<br/>22 lights for them. And he told them he had to<br/>23 go, and one of them hit him in the back of</p> |

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| <p style="text-align: center;">Page 45</p> <p>1 the head with something and busted the back<br/>     2 of his head wide open. And he was trying to<br/>     3 stop -- he stopped at Rodney's. He stopped<br/>     4 at my house first -- I meant, his brother's<br/>     5 house first, to get him to take him to the<br/>     6 emergency room and Shannon wasn't at home,<br/>     7 so he went out to Rodney's. And Rodney<br/>     8 wasn't -- Rodney wouldn't take him. So he<br/>     9 had started to Sylacauga to the hospital,<br/>     10 and a state trooper was parked up the road<br/>     11 there, and they pulled him over. And<br/>     12 instead of taking him to the hospital, they<br/>     13 brought him back to Coosa County and put him<br/>     14 back in jail. They stopped him and pulled<br/>     15 him over five miles across the Coosa County<br/>     16 line.</p> <p>17 Q. Okay. And what did they<br/>     18 arrest him for?</p> <p>19 A. DUI.</p> <p>20 Q. Do you remember what year this<br/>     21 was in, Mr. Kelley?</p> <p>22 A. It would have been in the<br/>     23 '90s.</p> | <p style="text-align: center;">Page 47</p> <p>1 affirmatively.)</p> <p>2 Q. Is that a yes? Sir, is that a<br/>     3 yes?</p> <p>4 A. No, ma'am. That was before he<br/>     5 was incarcerated -- No, it was after he was<br/>     6 incarcerated and released. He come to me<br/>     7 about two years ago, and I knew something<br/>     8 was wrong with him because he was losing a<br/>     9 lot of weight. Bryan has always weighed<br/>     10 about two hundred and twenty-five, two<br/>     11 hundred and thirty pounds. And he had done<br/>     12 got down to about one fifty -- one forty,<br/>     13 one fifty. And I just asked him, what's<br/>     14 going on, Bryan. I mean, you don't lose<br/>     15 that much weight unless something is going<br/>     16 into your body that's not supposed to be.<br/>     17 And he broke down and told me. He was<br/>     18 trying to escape reality is what he told me.</p> <p>19 Q. What type of drugs did he tell<br/>     20 you he was using?</p> <p>21 A. Crack.</p> <p>22 Q. And this would have been after<br/>     23 he'd been released from Bullock?</p> |
| <p style="text-align: center;">Page 46</p> <p>1 Q. Before you had your heart<br/>     2 attack?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. Had his drinking at<br/>     5 this point become any problem with you with<br/>     6 him at work?</p> <p>7 A. No, ma'am. He was always<br/>     8 eager to work.</p> <p>9 Q. Was his driver's license ever<br/>     10 suspended?</p> <p>11 A. Ma'am?</p> <p>12 Q. Driver's license suspended?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. Did he just ride with you to<br/>     15 work?</p> <p>16 A. Yes, ma'am. I would go and<br/>     17 pick him up.</p> <p>18 Q. And you told me earlier about<br/>     19 the drug use. When, to your knowledge, did<br/>     20 Bryan ever first experiment with drugs?</p> <p>21 A. When he was thirty-four.</p> <p>22 Q. So two years ago?</p> <p>23 A. (Witness nods head</p>   | <p style="text-align: center;">Page 48</p> <p>1 A. Yes, ma'am.</p> <p>2 Q. And to your knowledge, he'd<br/>     3 never tried any type of drugs before?</p> <p>4 A. I preached to my boys every<br/>     5 day, don't put anything in your system.</p> <p>6 Q. When is the first time you<br/>     7 remember Bryan being diagnosed as having<br/>     8 schizophrenia or being bipolar?</p> <p>9 A. When we took him to Dr. Faber.</p> <p>10 Q. And up until that time, had he<br/>     11 ever been diagnosed as having any of that?</p> <p>12 A. No.</p> <p>13 MS. MCDONALD: Richard, can we<br/>     14 take a break?</p> <p>15 MR. STOCKHAM: Sure.</p> <p>16 (Off the Record.)</p> <p>17 Q. (BY MS. MCDONALD):</p> <p>18 Mr. Kelley, we took a little break, and I<br/>     19 talked to Mr. Stockham. And it's my<br/>     20 understanding you said you had two massive<br/>     21 heart attacks?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Is that a yes?</p>  |

12 (Pages 45 to 48)

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|  |   |
| 1 A. Yes, ma'am.                               | 1 Q. Who was representing Bryan, if             |
| 2 Q. She's going to get you in a               | 2 you remember, when he was down there?         |
| 3 minute. I'm trying to help you.              | 3 A. Started off with Robert                    |
| 4 Before you had your heart                    | 4 Rumsey. And then we fired him and hired a     |
| 5 attacks, did you also have a stroke?         | 5 corporation out of Alex City. I can't         |
| 6 A. I had four.                               | 6 remember the name of the corporation, now.    |
| 7 Q. You had four strokes?                     | 7 Q. That's okay.                               |
| 8 A. Yes, ma'am.                               | 8 A. But it was supposed to be one              |
| 9 Q. As a result of having those               | 9 of the best, and then Mr. Brown too.          |
| 10 strokes did you -- or your heart attacks,   | 10 Q. At any time while Bryan was               |
| 11 have you had a problem remembering dates or | 11 incarcerated at Coosa County Jail, did you   |
| 12 times?                                      | 12 go and talk to any of the attorneys who were |
| 13 A. Yes, ma'am.                              | 13 representing him about things that Bryan was |
| 14 Q. Has that affected your memory            | 14 telling you about what was going on?         |
| 15 some?                                       | 15 A. Yes, ma'am.                               |
| 16 A. Yes, ma'am.                              | 16 Q. You said you talked to Ricky              |
| 17 Q. Okay. Do you remember Bryan              | 17 Owens. It's my understanding Ricky was a     |
| 18 being incarcerated in Coosa County?         | 18 sheriff back when Bryan was incarcerated?    |
| 19 A. Yes, very well. That's what              | 19 A. Yes. And I went to Montgomery             |
| 20 caused the strokes and the heart attacks.   | 20 and talked to Governor Riley's personal      |
| 21 Q. For you?                                 | 21 lawyer, himself.                             |
| 22 A. Yes, ma'am.                              | 22 Q. Do you remember who that was?             |
| 23 Q. And I know you may not                   | 23 A. I believe his name was                    |
|  |   |
|  | Page 52   |
| 1 remember the exact date when he was          | 1 Wallace.                                      |
| 2 incarcerated, but can you tell me, do you    | 2 Q. Do you remember about what you             |
| 3 remember having any conversations with       | 3 would have talked to Ricky Owens about while  |
| 4 anybody down at the jail once Bryan was      | 4 Bryan was incarcerated?                       |
| 5 incarcerated there?                          | 5 A. Yes, ma'am.                                |
| 6 A. Yes, ma'am.                               | 6 Q. Can you tell me about what you             |
| 7 Q. Who did you talk to?                      | 7 talked to Ricky about?                        |
| 8 A. I talked to Ricky Owens, I                | 8 A. I asked him why he was keeping             |
| 9 talked to Deputy Green, I talked to          | 9 Bryan in the hole, and why he was making him  |
| 10 Deputy -- Sergeant Wendy, and if my memory  | 10 sleep on the floor next to that sewage pipe. |
| 11 serves me right, I talked to Sheriff Terry. | 11 His reaction was, for my own protection.     |
| 12 I talked to -- I talked to the county       | 12 Q. Any other conversation you had            |
| 13 attorney twice.                             | 13 with Sheriff Owens?                          |
| 14 Q. Who was the county attorney at           | 14 A. Yes, ma'am. I talked to him               |
| 15 that time?                                  | 15 here in the county building one day. I       |
| 16 A. Kelly Johnson. I talked to               | 16 asked him why wasn't they giving Bryan water |
| 17 Mr. Stroud, Deputy Stroud at that time.     | 17 or a bath? He said, I run that jail over     |
| 18 Q. Anybody else that you can                | 18 there, and I run it as I see fit.            |
| 19 remember?                                   | 19 Q. Any other conversations you               |
| 20 A. His name was Tim, but I don't            | 20 recall having with him?                      |
| 21 know his last name.                         | 21 A. I had two -- I had one at his             |
| 22 Q. Was he a jailer or deputy?               | 22 home. I went to his home.                    |
| 23 A. Jailer.                                  | 23 Q. The first conversation with               |

13 (Pages 49 to 52)

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| Page 53  | Page 55  |
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| <p>1 him that you told me about --</p> <p>2 A. Was at his home. The first</p> <p>3 time.</p> <p>4 Q. The first time was at his</p> <p>5 house?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. Was anybody else present for</p> <p>8 the conversation?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Who was present?</p> <p>11 A. His wife and a boy that hung</p> <p>12 his Sheetrock in his home, Bobby Thomas.</p> <p>13 That was how I knew where he lived at, Bobby</p> <p>14 Thomas had hung the Sheetrock in his new</p> <p>15 home.</p> <p>16 Q. And Mr. Thomas was present and</p> <p>17 overheard the conversation you had with him?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. And the second conversation</p> <p>20 you had with him you said was here in the</p> <p>21 county building?</p> <p>22 A. The second one was in his</p> <p>23 office.</p>   | <p>1 check him myself.</p> <p>2 Q. What was his response?</p> <p>3 A. We have our own jail doctor.</p> <p>4 Q. And then you said you had</p> <p>5 another conversation with him, with Sheriff</p> <p>6 Owens?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Where was it at?</p> <p>9 A. It was three times. His home,</p> <p>10 then the one over there and then the one in</p> <p>11 the hallway right out there, near the water</p> <p>12 fountain.</p> <p>13 Q. Was there anybody present</p> <p>14 during the conversation you had with Sheriff</p> <p>15 Owens in the hallway?</p> <p>16 A. If I'm not mistaken, Terry</p> <p>17 Wilson was out there with him.</p> <p>18 Q. What did you ask him about?</p> <p>19 A. I asked him about the mat, the</p> <p>20 water. And to my knowledge, you're not</p> <p>21 supposed to hold an individual in that hole</p> <p>22 over a certain amount of time, and then you</p> <p>23 have to let them out in the population. And</p>                        |
| Page 54  | Page 56  |
| <p>1 Q. In the office in the jail?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Was anybody present to hear</p> <p>4 that conversation?</p> <p>5 A. Wendy, Sergeant Wendy.</p> <p>6 Q. Okay. And the next</p> <p>7 conversation you had with him would have</p> <p>8 been, I guess, the third one?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Where was it?</p> <p>11 A. It was here in the hallway of</p> <p>12 the county building.</p> <p>13 Q. Was that the one you just told</p> <p>14 me about?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Okay. That second</p> <p>17 conversation you had with him when Sergeant</p> <p>18 Wendy was present, what were you talking</p> <p>19 about over in his office?</p> <p>20 A. Why Bryan was having to sleep</p> <p>21 on the floor and his medical condition was</p> <p>22 deteriorating, and if he would allow me to</p> <p>23 hire a private physician to come down and</p> | <p>1 Bryan had done been in there for</p> <p>2 thirty-something days prior to that.</p> <p>3 Q. Who told you that they</p> <p>4 couldn't be in there for over a certain</p> <p>5 period of time?</p> <p>6 A. They have a handbook. In that</p> <p>7 handbook it states -- They never would give</p> <p>8 us a handbook; we asked for it. It has the</p> <p>9 rules and regulations in it.</p> <p>10 Q. How long would you say your</p> <p>11 conversation with Sheriff Owens lasted when</p> <p>12 y'all were out in the hallway?</p> <p>13 A. About fifteen minutes. He</p> <p>14 turned around and walked off.</p> <p>15 Q. And then the first time when</p> <p>16 you went to -- the conversation you had with</p> <p>17 him at his house, how long would you say you</p> <p>18 were there?</p> <p>19 A. About an hour.</p> <p>20 Q. Did you go into his house?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. And the conversation you had</p> <p>23 with him in his office when Sergeant Wendy</p> |

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| Page 57   | Page 59   |
| <p>1   <b>was there, how long would you say that<br/>2 conversation took place?</b></p> <p>3   A. An hour and a half.</p> <p>4   <b>Q. Do you know what time of day<br/>5 you were there at his office?</b></p> <p>6   A. Yes, ma'am.</p> <p>7   <b>Q. What time was it?</b></p> <p>8   A. It was in the morning time.</p> <p>9   <b>Q. Okay. And what about when you<br/>10 went to his house?</b></p> <p>11   A. It was in the morning, too.</p> <p>12   <b>Q. Okay. And do you remember<br/>13 what time of day it was when you were out in<br/>14 the hallway?</b></p> <p>15   A. In the morning.</p> <p>16   <b>Q. All three conversations were<br/>17 in the morning?</b></p> <p>18   A. That was the only time you<br/>19 could catch him.</p> <p>20   <b>Q. Do you remember having any<br/>21 other conversations, other than those three<br/>22 that we just talked about?</b></p> <p>23   A. Not face-to-face.</p>                          | <p>1   A. The rest of the time he<br/>2 wouldn't be in. They would make me talk to<br/>3 someone else.</p> <p>4   <b>Q. Where would you be when you<br/>5 would make the phone calls?</b></p> <p>6   A. At home.</p> <p>7   <b>Q. There in Sylacauga?</b></p> <p>8   A. Yes, ma'am.</p> <p>9   <b>Q. Who did you have phone service<br/>10 with at the time, Mr. Kelley?</b></p> <p>11   A. BellSouth.</p> <p>12   <b>Q. Do you still have the same<br/>13 phone number you had since you've been<br/>14 living there at that house in Sylacauga?</b></p> <p>15   A. I've had the same phone since<br/>16 1969.</p> <p>17   <b>Q. It makes it easier to keep up<br/>18 with, doesn't it?</b></p> <p>19   A. Yes.</p> <p>20   <b>Q. What is your phone number?</b></p> <p>21   A. 256-249-8067.</p> <p>22   <b>Q. Did you have to dial long<br/>23 distance over here to the jail?</b></p> |
| Page 58   | Page 60   |
| <p>1   <b>Q. Did you have other<br/>2 conversations with him on the phone?</b></p> <p>3   A. Yes, ma'am.</p> <p>4   <b>Q. Approximately how many<br/>5 conversations did you have with him on the<br/>6 telephone?</b></p> <p>7   A. I won't say how many. But I<br/>8 would say several different times that we<br/>9 would call and ask to speak to Sheriff Owens<br/>10 and asked him why Bryan was not being able<br/>11 to bathe? Why wouldn't they give him water?<br/>12 Why was he having to sleep on a two-inch mat<br/>13 on the floor right next to the sewage? Why<br/>14 wasn't it being flushed properly?</p> <p>15   <b>Q. When you would call to talk to<br/>16 him, did you get to talk to him each time<br/>17 you called?</b></p> <p>18   A. No, ma'am.</p> <p>19   <b>Q. Approximately how many times<br/>20 did you actually get to talk to Sheriff<br/>21 Owens?</b></p> <p>22   A. About four.</p> <p>23   <b>Q. Okay.</b></p> | <p>1   A. Yes, ma'am.</p> <p>2   <b>Q. And is that the same phone<br/>3 number that Bryan would call? He would call<br/>4 you collect, I guess, while he was at the<br/>5 jail?</b></p> <p>6   A. Yes, ma'am.</p> <p>7   <b>Q. Okay. You said you talked to<br/>8 Ricky Owens and Green. Do you remember<br/>9 Green's first name? Is it Aaron?</b></p> <p>10   <b>It's okay if you don't<br/>11 remember, Mr. Kelley.</b></p> <p>12   A. All right.</p> <p>13   <b>Q. How many conversations would<br/>14 you say you had with Mr. Green?</b></p> <p>15   A. I had two or three with him,<br/>16 then I went to his home one time.</p> <p>17   <b>Q. All right. Two or three on<br/>18 the phone?</b></p> <p>19   A. Aaron Green.</p> <p>20   <b>Q. Was he a jailer over at the<br/>21 jail?</b></p> <p>22   A. Yes, ma'am.</p> <p>23   <b>Q. The two or three conversations</b></p>     |

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| <p style="text-align: right;">Page 61</p> <p>1    you had with him, would those have been in<br/>2    person or on the telephone?<br/>3    A. In person.<br/>4    Q. In person. And where were you<br/>5    when you had your conversations with him?<br/>6    A. At the jail.<br/>7    Q. At the jail?<br/>8    A. Yes, ma'am.<br/>9    Q. Okay. And what did you talk<br/>10   to Mr. Green about?<br/>11   A. Bryan's situation there.<br/>12   Q. Do you remember anything<br/>13   specifically that you talked to him about?<br/>14   A. Uh-huh. Bryan having to beg<br/>15   for water and having to sleep on that hard<br/>16   concrete floor with his back already messed<br/>17   up with the artificial disk and he had two<br/>18   cages in his back. His spinal cord runs<br/>19   down through a tube.<br/>20   Q. Anything else that you can<br/>21   remember about the conversations you had<br/>22   with Mr. Green?<br/>23   A. No.</p> | <p style="text-align: right;">Page 63</p> <p>1    A. No, ma'am. He said his lawyer<br/>2    had advised him not to talk to us.<br/>3    Q. Okay. And did y'all just<br/>4    leave?<br/>5    A. Yes, ma'am.<br/>6    Q. Okay. And then you said --<br/>7   You told me you talked to Sergeant Wendy. I<br/>8   know you told me that she was present when<br/>9   you had one conversation with Sheriff Owens,<br/>10   but did you have any other conversations<br/>11   with her?<br/>12   A. Yes, ma'am.<br/>13   Q. Just her? Can you tell me<br/>14   about how many conversations you would have<br/>15   had with Wendy?<br/>16   A. Numerous. Because she was --<br/>17   seemed like she was there most of the time<br/>18   that you went down there.<br/>19   Q. What did you have a<br/>20   conversation with her about, Mr. Kelley?<br/>21   A. Bryan's situation: How he was<br/>22   deteriorating, turning yellow; how he got<br/>23   his teeth knocked out.</p> |
| <p style="text-align: right;">Page 62</p> <p>1    Q. Would anybody else have been<br/>2    present when you would have been talking to<br/>3    him?<br/>4    A. Most of the time there was<br/>5    someone coming or going all the time.<br/>6    Q. Would there have been anyone<br/>7    else standing there with y'all?<br/>8    A. No, ma'am. Just whoever was<br/>9    in there, that's who I would talk to.<br/>10   Q. And you said that one time you<br/>11   went to Mr. Green's house?<br/>12   A. Uh-huh.<br/>13   Q. Is that a yes?<br/>14   A. Yes, ma'am. I'm sorry.<br/>15   Q. Okay. Were you by yourself<br/>16   when you went to Mr. Green's house?<br/>17   A. No, ma'am.<br/>18   Q. Who was with you?<br/>19   A. My wife.<br/>20   Q. Okay. And was Mr. Green home?<br/>21   A. Yes, ma'am.<br/>22   Q. Did you have a conversation<br/>23   with him when you went to his house?</p>   | <p style="text-align: right;">Page 64</p> <p>1    Q. What did she tell you?<br/>2    A. She dismissed each one of my<br/>3    questions. You will have to talk to the<br/>4    sheriff about that.<br/>5    Q. What about when you talked to<br/>6    Mr. Green, did he ever respond to you or<br/>7    tell you anything?<br/>8    A. No, ma'am. None of them did.<br/>9    Q. Okay. And then you said you<br/>10   talked to Terry Wilson. I know Mr. Wilson<br/>11   is now the sheriff, but he was not the<br/>12   sheriff at the time; correct?<br/>13   A. No, ma'am.<br/>14   Q. What did you understand his<br/>15   position to be when Bryan was here?<br/>16   A. Just a regular deputy, I<br/>17   guess.<br/>18   Q. Okay. How many conversations<br/>19   would you say you had with Mr. Wilson?<br/>20   A. Just that one right outside<br/>21   there. He was with Mr. Owens.<br/>22   Q. Did Mr. Wilson say anything to<br/>23   you?</p>                        |

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|---|---|
|   |   |
| 1 A. No.  | 1 A. Three or four.                             |
| 2 Q. Okay.                                      | 2 Q. And you said you had a                     |
| 3 A. Just how you doing, Ray.                   | 3 conversation with him after he quit working   |
| 4 Q. He was just present while you              | 4 for --  |
| 5 were talking to Mr. Owens?                    | 5 A. Yes, ma'am.                                |
| 6 A. Yes.                                       | 6 Q. Okay. When did you have this               |
| 7 Q. But did you ever have a                    | 7 conversation with him?                        |
| 8 conversation with Terry Wilson, either on     | 8 A. He was working for Radio                   |
| 9 the phone or in person, where you talked to   | 9 Shack. Myself, my wife, and my attorney       |
| 10 him about anything that was going on with    | 10 went out and took a deposition from him, and |
| 11 Bryan?                                       | 11 he told the whole story about it.            |
| 12 A. No, ma'am. I went to his home             | 12 Q. You say he took a deposition,             |
| 13 twice and he wouldn't come to the door.      | 13 was there a court reporter present?          |
| 14 Q. Okay. You said you went to                | 14 A. No, ma'am.                                |
| 15 Kelly Johnson, who was the county attorney?  | 15 Q. So you just went and talked to            |
| 16 A. Yes, ma'am.                               | 16 him?   |
| 17 Q. What did you talk to                      | 17 A. Yes, ma'am.                               |
| 18 Mr. Johnson about?                           | 18 Q. What did he tell you?                     |
| 19 A. About Bryan, how he was being             | 19 A. Bryan was being treated worser            |
| 20 treated, and he -- The first time I talked   | 20 than a dog; they wouldn't give him any water |
| 21 to him by myself; the second time, Wanda, my | 21 when he wanted water; they made him sleep in |
| 22 wife, was with me. His response was, Ray,    | 22 there in that room, in that cold room; they  |
| 23 I've known what was going on from the very   | 23 give him that little two-inch mat to sleep   |
|   |   |
| Page 66   | Page 68   |
|   |   |
| 1 beginning. I went and talked to Sheriff       | 1 on, and at night they take it away from him.  |
| 2 Owens; Sheriff Owens let me know right quick  | 2 In the morning, knowing the condition that    |
| 3 that I run this sheriff -- I mean, I run      | 3 his back was already in, and he's -- I could  |
| 4 this office; and you ain't got a thing do     | 4 tell that he was getting sicker and sicker.   |
| 5 with it.                                      | 5 Q. Anything else he told you                  |
| 6 Q. Did he give you any advice?                | 6 about Bryan's incarceration?                  |
| 7 A. No, ma'am. He said, there                  | 7 A. Several different things.                  |
| 8 ain't anything I can do, Ray.                 | 8 Q. What else did he tell --                   |
| 9 Q. You said you talked to a                   | 9 A. My memory doesn't -- The                   |
| 10 Deputy Stroud?                               | 10 conversation lasted from about an hour to an |
| 11 A. Yes, ma'am.                               | 11 hour and a half. My attorney was asking      |
| 12 Q. What did you talk to him                  | 12 most of the questions to him.                |
| 13 about?                                       | 13 Q. Did he ever tell you that he              |
| 14 A. Exact -- You know, the same               | 14 had seen anybody abusing Bryan?              |
| 15 thing, why Bryan was being treated so much   | 15 A. Yes, ma'am.                               |
| 16 different than the other inmates were.       | 16 Q. Who did he tell you that he               |
| 17 Q. What did he tell you?                     | 17 had seen abuse Bryan?                        |
| 18 A. Well, he wouldn't tell me                 | 18 A. Al Bradley.                               |
| 19 anything while he was working for him. But   | 19 Q. What did he tell you about                |
| 20 he told me the whole story after he quit     | 20 that specifically, if can you recall?        |
| 21 with them.                                   | 21 A. I can't recall.                           |
| 22 Q. How many times did you talk to            | 22 Q. Do you know where Mr. Stroud's            |
| 23 him while he was still employed there?       | 23 currently working?                           |

17 (Pages 65 to 68)

# **FREEDOM COURT REPORTING**

| Page 69 |  | Page 71 |   |
|---------|--|---------|---|
| 1       | A. No, ma'am.                                      | 1       | with about Bryan's incarceration over at the  |
| 2       | <b>Q. And you said that you talked</b>             | 2       | jail?   |
| 3       | <b>to a jailer by the first name of Tim?</b>       | 3       | A. There was an inmate, Scotty                |
| 4       | A. Yes, ma'am.                                     | 4       | was his name, but he got killed in prison.    |
| 5       | <b>Q. How many times did you talk to</b>           | 5       | <b>Q. Okay. What had Scotty told</b>          |
| 6       | <b>him?</b>  | 6       | <b>you, Mr. Kelley?</b>                       |
| 7       | A. Once.   | 7       | A. He told me that he had seen Al             |
| 8       | <b>Q. Where were you when you talked</b>           | 8       | Bradley beat and slap and push on Bryan and   |
| 9       | <b>to him?</b>                                     | 9       | single him out personally, and put him in     |
| 10      | A. In the jailhouse.                               | 10      | the hole. And on one occasion, I went down    |
| 11      | <b>Q. What did you talk to Tim</b>                 | 11      | there to see if I could talk to someone       |
| 12      | <b>about?</b>                                      | 12      | about Bryan's situation. I walked in the      |
| 13      | A. Bryan's situation.                              | 13      | front door, and they were coming out from     |
| 14      | <b>Q. Did he respond to you any</b>                | 14      | back yonder way (indicating). Al Bradley      |
| 15      | <b>differently than the other?</b>                 | 15      | had him under one arm, Sergeant Wendy had     |
| 16      | A. No, ma'am. He said that I try                   | 16      | him under the other arm, and he had a towel   |
| 17      | to treat him as well as I can, Ray, within         | 17      | or something around him. And they were -- I   |
| 18      | my bounds.   | 18      | guess he was so weak he couldn't walk,        |
| 19      | <b>Q. Did he tell you that he had</b>              | 19      | because they were dragging him. He seen me,   |
| 20      | <b>seen anybody abuse Bryan or not treat him</b>   | 20      | he said, Daddy, please don't let them put me  |
| 21      | <b>properly?</b>                                   | 21      | back in that hole. Daddy, please. And Al      |
| 22      | A. No, ma'am.                                      | 22      | Bradley told me, said, get the hell out of    |
| 23      | <b>Q. Okay. Other than Deputy</b>                  | 23      | here.   |
| Page 70 |  | Page 72 |   |
| 1       | <b>Stroud, did you talk to anybody that was</b>    | 1       | <b>Q. Was there anybody else that</b>         |
| 2       | <b>employed over at the jail while Bryan was</b>   | 2       | <b>was working down there that would have</b> |
| 3       | <b>there, that told you they thought Bryan was</b> | 3       | <b>overheard that, Mr. Kelley?</b>            |
| 4       | <b>being mistreated or abused?</b>                 | 4       | A. I got -- I got -- I couldn't               |
| 5       | A. Mr. Bartly.                                     | 5       | stand watching it, so I went out. It was      |
| 6       | <b>Q. Mr. Bartly?</b>                              | 6       | more than I could stand.                      |
| 7       | A. Yes, ma'am.                                     | 7       | I also asked Ricky Owens in                   |
| 8       | <b>Q. Who is Mr. Bartly?</b>                       | 8       | that conversation that we had, didn't he      |
| 9       | A. He was an inmate.                               | 9       | know that Al Bradley was an alcoholic? He     |
| 10      | <b>Q. What did Mr. Bartly tell you?</b>            | 10      | said, I know he's got a drinking problem,     |
| 11      | A. He watched Al slap Bryan                        | 11      | but we're working on that. But every time I   |
| 12      | upside the head. And then one day on               | 12      | went down there to put money on Bryan's       |
| 13      | visitation, Bryan come out with a military         | 13      | books, they have a little hole there and      |
| 14      | mustache, and Al Bradley grabbed him right         | 14      | alcohol out there would knock you down.       |
| 15      | here (indicating) and pulled his lip up like       | 15      | <b>Q. So when you would take money</b>        |
| 16      | that (indicating), and said, you son of a          | 16      | to put on the books, was it Al that would     |
| 17      | bitch, if you want to see your daddy out           | 17      | take the money?                               |
| 18      | there, you will go back and cut that off.          | 18      | A. Uh-huh.                                    |
| 19      | <b>Q. Did Mr. Bartly say he had seen</b>           | 19      | <b>Q. Is that a yes?</b>                      |
| 20      | <b>that?</b>                                       | 20      | A. Yes, ma'am.                                |
| 21      | A. Yes, ma'am.                                     | 21      | <b>Q. Was that every time you put</b>         |
| 22      | <b>Q. Okay. Any other inmates or</b>               | 22      | <b>money on his books?</b>                    |
| 23      | <b>jailers that you've had any conversation</b>    | 23      | A. Just about every time. We was              |

**FREEDOM COURT REPORTING**

| Page 73   | Page 75   |
|---|---|
| <p>1 sitting in the courtroom in Sylacauga, and<br/>     2 the law officers were sitting on one side<br/>     3 and Kelly Johnson -- Kelly Johnson's son is<br/>     4 a city police officer, and David Law was<br/>     5 sitting over there with him, they was<br/>     6 carrying on a casual conversation. And<br/>     7 David Law said that -- which Wanda heard<br/>     8 this, me and Wanda both was listening to<br/>     9 him, and he said Al Bradley kept me up all<br/>     10 night long last night drunk as a cooter.<br/>     11 And I kept telling him I had to go to bed,<br/>     12 put my kids to bed; but he just kept on and<br/>     13 on. The drunk scoundrel wouldn't hang the<br/>     14 phone up. And the whole police department<br/>     15 and all of them were laughing like crazy.</p> <p>16 Q. Had y'all ever had any<br/>     17 dealings with Al Bradley prior to Bryan's<br/>     18 incarceration?</p> <p>19 A. I didn't even know the man.</p> <p>20 Q. Do you know whether Bryan did?</p> <p>21 A. No, ma'am.</p> <p>22 Q. Anybody else that you would<br/>     23 talk to over at the jail that you can</p> | <p>1 been taken to the hospital?<br/>     2 A. No, ma'am.</p> <p>3 Q. Okay. He had not been taken<br/>     4 anywhere to see a doctor?<br/>     5 A. Not to my knowledge.</p> <p>6 Q. Okay. Every time that you saw<br/>     7 Bryan while he was there at the jail, was it<br/>     8 on a Saturday?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Okay. And would you sign in<br/>     11 when you would go, Mr. Kelley?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Was there ever a time when<br/>     14 they denied you visitation with Bryan?</p> <p>15 A. No, ma'am.</p> <p>16 Q. But each time you would have<br/>     17 logged in that you were there?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Okay. And you're telling me<br/>     20 that this particular Saturday would have<br/>     21 been -- was that the first Saturday you had<br/>     22 gotten to see him since he'd gotten there,<br/>     23 if you can remember?</p>   |
| Page 74   | Page 76   |
| <p>1 remember, Mr. Kelley?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Is there anything else about<br/>     4 Bryan's incarceration that you can recall?</p> <p>5 A. We went down there the day<br/>     6 that he -- it was Saturday -- Well, the<br/>     7 first time that I noticed that Bryan was<br/>     8 being mistreated, and I told Wanda she<br/>     9 needed to start logging it. He had fell and<br/>     10 broke his foot, he showed it to me; and the<br/>     11 bone was sticking up about this far<br/>     12 (indicating). And that was on a Saturday.<br/>     13 I left there, and I went to Ricky Owen's<br/>     14 house. That was when -- he said, I'll have<br/>     15 the paramedics go and pick him up right now.<br/>     16 And I come back to Rockford, and I sat and I<br/>     17 waited and I waited and I waited and I<br/>     18 waited. I waited out there three hours, no<br/>     19 paramedics ever showed up.</p> <p>20 So the next Saturday, when I<br/>     21 came back and they let me see him, they had<br/>     22 put an Ace bandage on that broke foot.</p> <p>23 Q. Do you know whether he had</p>      | <p>1 It's okay if you can't.<br/>     2 A. Yes. It would have had to<br/>     3 have been the first or the second, because<br/>     4 he wasn't in there long before they put him<br/>     5 in the hole. They put him in the hole right<br/>     6 after he broke his foot.</p> <p>7 Q. Okay. So it would have been<br/>     8 sometime before that; correct?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Anything else that you can<br/>     11 recall?</p> <p>12 A. Well, each time -- Every<br/>     13 Saturday, when I'd get in there to see him,<br/>     14 his whole face would break out in big<br/>     15 whelps, just like somebody with acne. There<br/>     16 would be big old knots that would come on<br/>     17 his skin, on his forehead especially.</p> <p>18 Q. And that would happen while he<br/>     19 was in there with you?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. Okay. How long would you get<br/>     22 to spend with him each Saturday?</p> <p>23 A. Fifteen minutes.</p> |

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| Page 77   | Page 79  |
|---|--|
| <p>1       Q. Let me make sure I understand<br/>     2 correctly. When he would come into the room<br/>     3 with you, he would not have those whelps,<br/>     4 but while you were there he would get them?</p> <p>5       A. Yes.</p> <p>6       Q. Is that right? Am I<br/>     7 understanding correctly?</p> <p>8       A. Yes, ma'am.</p> <p>9       Q. Okay. Anything else that you<br/>     10 remember, Mr. Kelley?</p> <p>11      A. Just what he told us after he<br/>     12 got out. Every time he'd try to tell us<br/>     13 something on the phone, they'd cut the phone<br/>     14 off, when he got to use the telephone.</p> <p>15      Q. How often would you say y'all<br/>     16 heard from him while he was there?</p> <p>17      A. Sometimes it would be two or<br/>     18 three days.</p> <p>19      Q. And he would call y'all<br/>     20 collect on the number you gave me while ago?</p> <p>21      A. Yes, ma'am.</p> <p>22      Q. How long would you get to talk<br/>     23 to him when he called?</p> | <p>1       MR. WILLFORD: Just for the<br/>     2 Record, you were pointing to the right side<br/>     3 of your head, sir?</p> <p>4       THE WITNESS: Yes, sir, right<br/>     5 side.</p> <p>6       MR. WILLFORD: Okay.</p> <p>7       A. Then he told us tremendous --<br/>     8 it was ungodly stuff that he told us that<br/>     9 went on out there, when he got out to where<br/>     10 he could talk to us face-to-face. I thought<br/>     11 to myself, how in the world could a human do<br/>     12 another human this way.</p> <p>13      Saddam Hussein was brought<br/>     14 over here and checked and seen a doctor, and<br/>     15 he was one of the worst enemies that the<br/>     16 United States had. And my son was put into<br/>     17 a six-by-eighty hole and held in there for<br/>     18 forty-something days, and then cardboard was<br/>     19 put over the little hole that you see out<br/>     20 of. What kind of human beings do that to<br/>     21 another human being?</p> <p>22      Q. Do you know whether Bryan saw<br/>     23 a doctor while he was incarcerated?</p> |
| <p>1       A. Seven minutes I believe it is,<br/>     2 unless they cut us off. And most of the<br/>     3 time they cut us off, and they tried to tell<br/>     4 me something that was going on.</p> <p>5       Q. All right. You've said they<br/>     6 tried to cut you off, did somebody come and<br/>     7 physically hang up the phone?</p> <p>8       A. I guess they unplugged the<br/>     9 thing out there, the switchboard.</p> <p>10      Q. Do you know?</p> <p>11      A. No, ma'am. I don't know that.<br/>     12 But the phone would go dead.</p> <p>13      Q. The phone would go dead?</p> <p>14      A. And especially when he tried<br/>     15 to tell me -- He's always been real<br/>     16 particular about his teeth. He always had<br/>     17 beautiful teeth. And --</p> <p>18      Q. Which teeth was it that he got<br/>     19 knocked out?</p> <p>20      A. Two right here (indicating).</p> <p>21      Q. Two at the side of his mouth<br/>     22 at the top?</p> <p>23      A. Yes.</p>             | <p>1       A. They said that Dr. Weaver come<br/>     2 over there. To my knowledge, I don't know.<br/>     3 They brought medicine from somewhere.</p> <p>4       Q. Did you ever talk to<br/>     5 Dr. Weaver, Mr. Kelley?</p> <p>6       A. No.</p> <p>7       Q. Okay. Do you know whether he<br/>     8 was seen by anybody with mental health while<br/>     9 he was there?</p> <p>10      A. Not to my knowledge.</p> <p>11      Q. Okay. Do you know whether he<br/>     12 was ever taken to the hospital during<br/>     13 those --</p> <p>14      A. He was took on one occasion, I<br/>     15 don't know what it was for. But the second<br/>     16 occasion, he was took, Dr. Law said if he'd<br/>     17 stayed down there one more night there<br/>     18 wouldn't have been no use in bringing him,<br/>     19 he'd have been dead. They tried to put an<br/>     20 IV in him, and the IV wouldn't go in. It<br/>     21 spread out into his body. He said I could<br/>     22 give him one Tylenol and it would kill him.</p> <p>23      Q. And that was at Russell</p>                          |
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20 (Pages 77 to 80)

**FREEDOM COURT REPORTING**

| Page 81   | Page 83   |
|---|---|
| 1 <b>Hospital where they took him?</b>                | 1 <b>have any problems with the people when he was in prison, anybody that was --</b> |
| 2   A. Yes, ma'am.                                    | 2   A. No.  |
| 3 <b>Q. Okay.</b>                                     | 3 <b>Q. Okay.</b>   |
| 4   A. He was in a dying situation                    | 4   A. The only place that's, in my   |
| 5   for -- they put him on a liver transplant         | 5   own words, was in this hell hole down here.                                       |
| 6   list.   | 6   |
| 7 <b>Q. When he got to Russell, they</b>              | 7 <b>Q. After Bryan got released or</b>   |
| 8 <b>did?</b>   | 8 <b>got back home, can you tell me what he told</b>                                  |
| 9   A. Yes, ma'am. Toted him to the                   | 9 <b>you happened to him while he was</b>   |
| 10 car with handcuffs on him.                         | 10 <b>incarcerated here?</b>  |
| 11 <b>Q. How long was he in the</b>                   | 11   A. He said that at night time, he  |
| 12 <b>hospital once they got him to Russell?</b>      | 12   would wait and listen. And if he ever heard                                      |
| 13   A. Two or three weeks.                           | 13   that click, he knew that Al Bradley was  |
| 14 <b>Q. And then when he was released</b>            | 14   coming in there.   |
| 15 <b>from the hospital where did he go?</b>          | 15   And we took pictures of him  |
| 16   A. Back to jail.                                 | 16   when he was released. And Bryan had told us                                      |
| 17 <b>Q. Back to Coosa County?</b>                    | 17   prior to that that he had whipped him  |
| 18   A. Yes, ma'am. Dr. Law wrote out                 | 18   several different occasions with a hose  |
| 19 a prescription for him not to be returned to       | 19   pipe. They had a black -- He had tape  |
| 20 Coosa County Jail, that he needed to be put        | 20   wrapped around the end of it where he could                                      |
| 21 into a place where they had adequate people        | 21   hold it and have a grip on it. We have a   |
| 22 to take care of him and look out after him.        | 22   picture of him right here where he had a   |
| 23 And they transferred him from Coosa County         | 23   black mark where he hit him with a hose  |
| Page 82   |   |
| 1 to Clay County. Which they were excellent           | 1 pipe. He kicked him in the groin; he kicked   |
| 2 in Clay County.                                     | 2 him in the sides. He said I would go in a   |
| 3 <b>Q. You didn't have any problems</b>              | 3 fetal position, Daddy, trying to protect  |
| 4 <b>with the people in Clay County?</b>              | 4 myself. I done got so weak that I couldn't  |
| 5   A. No, ma'am. We appreciated                      | 5 do anything else except stay there.   |
| 6 those people over there. They was super             | 6   He said he tried to stick a   |
| 7 nice.   | 7 broom handle up his rectum. The other   |
| 8 <b>Q. What about at -- When Bryan's</b>             | 8 deputy, like I said before, he could see in   |
| 9 <b>been at Sylacauga Police Department, did you</b> | 9 his eyes that he didn't want to be  |
| 10 <b>have any problem with the people working at</b> | 10 participating in it, but Al Bradley would  |
| 11 <b>the jail other there?</b>                       | 11 make him hold his legs apart while he kicked                                       |
| 12   A. No. They're super nice.                       | 12 him.   |
| 13 <b>Q. Talladega?</b>                               | 13 <b>Q. Did he tell you how many times</b>   |
| 14   A. No, ma'am.                                    | 14 <b>this happened to him?</b>   |
| 15 <b>Q. Alex City?</b>                               | 15   A. He didn't say how many times,   |
| 16   A. I don't guess -- I don't think                | 16 but it had to have been numerous occasions.  |
| 17 he's ever been in Alex City Jail, not to my        | 17 Because Bryan said he would lay awake at   |
| 18 knowledge.   | 18 night waiting, every night, to see if he   |
| 19 <b>Q. What about when he was at the</b>            | 19 heard that click. If he heard that click,  |
| 20 <b>Department of Corrections?</b>                  | 20 he knew that they were fixing to come in   |
| 21   A. He never had a black mark                     | 21 there and beat him, beat the stew out of   |
| 22 against him.                                       | 22 him.   |
| 23 <b>Q. But did you and Ms. Kelley</b>               | 23 <b>Q. Did he ever tell you this</b>  |

21 (Pages 81 to 84)

**FREEDOM COURT REPORTING**

|  |  |
|--|--|
| <p style="text-align: right;">Page 85</p> <p>1    while he was incarcerated?</p> <p>2    A. No, ma'am.</p> <p>3    Q. Okay. He didn't tell you any<br/>4    of this until he got out?</p> <p>5    A. They wouldn't let -- Like I<br/>6    said, every time we talked on the phone, he<br/>7    would try to tell me something, they would<br/>8    cut the phone off right then.</p> <p>9    Q. When you would go see him on<br/>10   Saturdays, did he ever tell you things that<br/>11   were going on with Mr. Bradley?</p> <p>12   A. He would try to tell me things<br/>13   through the mirror. You know, you have this<br/>14   glass, but there was no way he could get<br/>15   over to me what was going on.</p> <p>16   Q. You said you had a picture.<br/>17   Where is the photograph, Mr. Kelley?</p> <p>18   A. Mr. Stockham has it.</p> <p>19   MS. MCDONALD: Have you given<br/>20   us that, Richard?</p> <p>21   MR. STOCKHAM: Yes, I have. I<br/>22   sent you Xeroxes of them. I have a color<br/>23   copy of it.</p>                                | <p style="text-align: right;">Page 87</p> <p>1    black coffee you ever seen.</p> <p>2    Q. Did they tell you what that<br/>3    was a result of, what it was from, what<br/>4    caused that?</p> <p>5    A. Overdose of medicine.<br/>6    We pulled it up on the<br/>7    computer, and every medicine that they was<br/>8    giving him was contradicting the other one.<br/>9    It was just like giving him arsenic poison.</p> <p>10   Q. Do you know who was<br/>11   prescribing his medication?</p> <p>12   A. We don't know who prescribed<br/>13   it. But we have a list of who administered<br/>14   it.</p> <p>15   Q. Okay. Do you know whether<br/>16   they were giving his medicines as it was<br/>17   prescribed?</p> <p>18   A. No.</p> <p>19   Q. They were not?</p> <p>20   A. No, ma'am.</p> <p>21   Q. Okay.</p> <p>22   A. According to Bryan, Al<br/>23   Bradley, if he ever hollered for a glass of</p>   |
| <p style="text-align: right;">Page 86</p> <p>1    MS. MCDONALD: Okay.</p> <p>2    Q. (BY MS. MCDONALD): When was<br/>3    the photograph taken of Bryan?</p> <p>4    A. When he was in Russell<br/>5    Hospital. He had an ingrown toenail that<br/>6    they had to surgically remove, his legs up<br/>7    to his knees was completely -- he got frost<br/>8    bite up to his knees. It took his mother<br/>9    six months to ever get the blood circulating<br/>10   back into his legs because of the<br/>11   hypothermia in the legs.</p> <p>12   Q. How many photographs are<br/>13   there, Mr. Kelley?</p> <p>14   A. We've got several. He looked<br/>15   like a pumpkin when they first admitted him<br/>16   into the hospital. He looked like a big<br/>17   pumpkin.</p> <p>18   Q. The photographs, can you tell<br/>19   me what they're of? I know you said there<br/>20   was one of his face.</p> <p>21   A. His whole body. They took the<br/>22   urine test down there, and he teeted about<br/>23   a cup full, and it was blacker than any</p> | <p style="text-align: right;">Page 88</p> <p>1    water or something, Al Bradley would come in<br/>2    there and give him a pill to shut him up,<br/>3    shut him down. They had him on seven or<br/>4    eight antipsychotic medicines, and then on<br/>5    top of that had him on phenobarbital.</p> <p>6    Q. Was he on any of that<br/>7    medication prior to being admitted to the<br/>8    jail?</p> <p>9    A. He was on -- What was he on?<br/>10   He was on some medicine, but nothing like<br/>11   all of them. And, see, you can't -- you<br/>12   can't take one like Seroquel, you can't take<br/>13   it and phenobarbital together.<br/>14   Phenobarbital is to get you off of<br/>15   something, and Seroquel is to shut your mind<br/>16   down.</p> <p>17   Q. Anything else that Bryan told<br/>18   you after he got out that had happened to<br/>19   him while he was at the jail?</p> <p>20   A. Just the beatings. And<br/>21   sometimes it would be three to four days<br/>22   before they would flush the commode, and<br/>23   he'd have to sleep next to his own fetus</p> |

22 (Pages 85 to 88)

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| <p>1 (sic). He'd have to wipe himself with a<br/>     2 Musketeer bar, candy bar wrappers.<br/>     3 And on one occasion he was<br/>     4 asking for glass of water, and Al Bradley<br/>     5 told him if he didn't shut up, he was going<br/>     6 to take his stuff away from him. And on<br/>     7 that bunk that he was supposed to have been<br/>     8 sleeping on, he had a picture of his<br/>     9 daughter and his family, and that was -- He<br/>     10 said, you done took everything else, what<br/>     11 are you going to take from me now? The only<br/>     12 thing you can do is take my life. And one<br/>     13 more night and they would have took his<br/>     14 life.</p> <p>15 Q. And that's what Dr. Law told<br/>     16 you?<br/>     17 A. Yes, ma'am.<br/>     18 Q. Any other doctor tell y'all<br/>     19 that?<br/>     20 A. Personally, he had a liver<br/>     21 specialist down there. I can't remember his<br/>     22 name, but it was at Russell Hospital, a<br/>     23 liver specialist. He's the one that put</p> | <p>1 own medicine.<br/>     2 He told us on one occasion, I<br/>     3 don't know whether y'all know it or not,<br/>     4 it's costing me nine hundred dollars a month<br/>     5 to keep that boy down here.</p> <p>6 Q. Who told you that?<br/>     7 A. Sheriff Owens.<br/>     8 Q. Anything else that you can<br/>     9 remember, Mr. Kelley?<br/>     10 A. My nephew was put in there for<br/>     11 a hunting violation ticket.<br/>     12 Q. Which nephew?<br/>     13 A. David Kelley. And he said it<br/>     14 was cold back there in the cell, and he<br/>     15 asked them for a blanket. And they told<br/>     16 him, they said, we'll give you a blanket all<br/>     17 right. And they took him and throwed him in<br/>     18 the hole.</p> <p>19 Q. How long was he in the jail?<br/>     20 A. Just overnight. His brother<br/>     21 come and got him out the next morning. He<br/>     22 begged his brother to come and get him out<br/>     23 of there.</p> |
| Page 90  | Page 92  |
| <p>1 Bryan on the liver transplant list.<br/>     2 Q. Okay.<br/>     3 A. He said he didn't know if it<br/>     4 was going to pick up or not. But his skin<br/>     5 from the knees all the way to the feet<br/>     6 literally come off.<br/>     7 Q. And you got pictures of his<br/>     8 legs?<br/>     9 A. Not where it was peeling. But<br/>     10 we got pictures of his whole body. He<br/>     11 looked like a pregnant woman, but it was<br/>     12 yellow.<br/>     13 Q. Anything else you can<br/>     14 remember, Mr. Kelley?<br/>     15 A. Pertaining to Bryan's, no.<br/>     16 But pertaining to the way the jail was run,<br/>     17 yes.<br/>     18 Q. What else can you remember?<br/>     19 A. Mr. Bartly was a military man.<br/>     20 And to keep him buying his medicine, they<br/>     21 would dress Mr. Bartly up and take him to<br/>     22 the VA Hospital to keep from paying for it<br/>     23 yourself, and send him in there to get his</p>   | <p>1 Q. Did Bryan ever tell you<br/>     2 whether Terry Wilson had done anything to<br/>     3 him?<br/>     4 A. Ma'am?<br/>     5 Q. Did Bryan tell you that Terry<br/>     6 Wilson ever did anything to him while he was<br/>     7 in the jail?<br/>     8 A. No, ma'am.<br/>     9 Q. That he did not or he just<br/>     10 didn't tell you?<br/>     11 A. No, ma'am. He said he<br/>     12 disregarded him when Terry would walk by.<br/>     13 Because I knew Terry all my life, and I<br/>     14 never dreamed that Terry would be like that.<br/>     15 He asked him for water, and he walked by and<br/>     16 ignored him, just like he wasn't even a<br/>     17 human being, he wasn't even there.<br/>     18 I give a dog a water.<br/>     19 Q. So the only thing that Bryan<br/>     20 has complained against Terry Wilson is that<br/>     21 Terry ignored him?<br/>     22 A. (Witness nods head<br/>     23 affirmatively.)</p>                                |

23 (Pages 89 to 92)

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|---|--|
| 1      Q. Is that yes?                              | 1      that happened to Bryan? That he saw         |
| 2      A. Yes, ma'am.                               | 2      anything?                                   |
| 3      Q. What about Wendy Roberson, did            | 3      A. No. They moved Bryan straight            |
| 4      Bryan ever tell you that she did anything to | 4      into the hole right after he fell and broke |
| 5      him?   | 5      his foot. He never come out of that hole.   |
| 6      A. No, ma'am. Except he asked                | 6      Q. Any other complaints that you            |
| 7      her numerous occasions would she flush the   | 7      can recall that Bryan's made?               |
| 8      commode or would she give him some water.    | 8      A. No, ma'am. He is still having            |
| 9      It stunk in there.                           | 9      to go to the psychiatrist, and he'll never, |
| 10     Q. Did you ever go in that --                | 10     never be the same again. Bryan's lost.      |
| 11     where Bryan was being housed?                | 11     They destroyed that child.                  |
| 12     A. I went in there when they                 | 12     Q. And your testimony is that he            |
| 13     opened it. For the grand opening, you know,  | 13     did not have these problems, mental         |
| 14     when they opened that, built it new.         | 14     problems, before he was incarcerated?       |
| 15     Q. Yes, sir.                                 | 15     A. No, ma'am. He never blacked              |
| 16     A. I went in there then.                     | 16     out. Now he'll black out, and two hours     |
| 17     Q. Was that before Bryan had been            | 17     later he'll come to himself and not even    |
| 18     in there or after?                           | 18     know where he's at or whatever. And we've   |
| 19     A. Yes. Way before.                          | 19     had to run him down numerous occasions when |
| 20     Q. That's the only time you had              | 20     he thought Al Bradley was after him.        |
| 21     been in that room though?                    | 21     Q. Had Bryan ever thought anybody           |
| 22     A. Yes, ma'am.                               | 22     was after him before he had been            |
| 23     Q. You had never been in there               | 23     incarcerated?                               |
| when Bryan was housed there?                        | A. No.   |
| A. No, ma'am.                                       | Q. Did he ever had hallucinations                  |
| Junior Miller was in there,                         | before he was incarcerated?                        |
| and he begged them to flush the commode.            | A. No. He went -- was perfect in                   |
| They wouldn't flush it. So the next day he          | high school, went onto college, had two            |
| asked them again to flush the commode, they         | semesters in college.                              |
| wouldn't flush it. So he just grabbed him a         | MS. MCDONALD: Okay. Let's                          |
| hand full of it up, and when they come to           | take a quick break, and hopefully we're            |
| the door to open it up, he had done smeared         | getting close to being through, okay?              |
| it all over the door and all over the handle        | (Off the Record.)                                  |
| and everything else.                                | Q. (BY MS. MCDONALD):                              |
| Q. Who is Mr. Miller?                               | Mr. Kelley, you were going to tell me              |
| A. He lives here in Coosa County.                   | something you had forgotten to tell me a few       |
| He said, if I've got to be in the same room         | minutes ago?                                       |
| with it, it might as well be all over the           | A. Yes, ma'am.                                     |
| doors and the walls too, where they can             | Q. What is that?                                   |
| smell it.   | A. About the medicine.                             |
| Q. And Mr. Miller told you this?                    | Q. Yes, sir.                                       |
| A. Yes, ma'am.                                      | A. They administered the                           |
| Q. Was he incarcerated while                        | medicine. We have photostatic copy of the          |
| Bryan was there?                                    | people that give him the medicine, and then        |
| A. Yes, ma'am.                                      | they tried to mark their names out on it,          |
| Q. Did he tell you about anything                   | but you can still see who it was. And it           |

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|---|---|
| <p style="text-align: right;">Page 97</p> <p>1 was jailers that give him the medicine, it<br/>2 wasn't a medical personnel.<br/>3     <b>Q.</b> Okay. The jailers would give<br/>4 him his medicine?<br/>5     A. Yes, ma'am.<br/>6     <b>Q.</b> Do you know whether they were<br/>7 giving it according to how it was written by<br/>8 the doctor?<br/>9     A. No, ma'am.<br/>10    <b>Q.</b> You don't know or they were<br/>11 not?<br/>12    A. On that paper it just -- On<br/>13 that sheet of paper that we got from them,<br/>14 it says so-and-so would give so-and-so, and<br/>15 they would initial it, initial it.<br/>16    <b>Q.</b> They would initial what time<br/>17 he got his meds and what medicine he was<br/>18 given?<br/>19    A. Yes, ma'am. But it was not a<br/>20 medical physician or a nurse or LPN. It was<br/>21 the jailers.<br/>22    <b>Q.</b> Right. And do you know<br/>23 whether other jails, the medicine is given</p> | <p style="text-align: right;">Page 99</p> <p>1     <b>Q.</b> Correct me if I'm wrong, I<br/>2 think you testified that Bryan told you a<br/>3 bunch of things about what had happened to<br/>4 him while he was in the jail?<br/>5     A. We tried to get him to forget<br/>6 it.<br/>7     <b>Q.</b> I understand that. How many<br/>8 conversations would you say you had with<br/>9 your son about his incarceration?<br/>10    A. Between ten and fifteen. Each<br/>11 time I would try to cut it short, to get it<br/>12 out of his mind. Because I knew it would<br/>13 lead up to him blacking -- his mind, just<br/>14 that blank stare. Even when he give his<br/>15 deposition here, when Wanda got up to give<br/>16 hers, the day that she give her deposition,<br/>17 he was out here at the car, and he had that<br/>18 blank stare in his eyes. And he was<br/>19 hollering, they can't do that to my mother,<br/>20 they can't do that to my mother.<br/>21     And Mr. Stockham seen what<br/>22 kind of condition he was in. We was all<br/>23 three trying to talk to him and -- but his</p> |
| <p style="text-align: right;">Page 98</p> <p>1 by a nurse every time somebody needs their<br/>2 medicine?<br/>3     A. Yes, ma'am.<br/>4     <b>Q.</b> Okay.<br/>5     A. Every jail.<br/>6     MS. MCDONALD: I don't have<br/>7 any other questions.<br/>8         EXAMINATION<br/>9         BY MR. WILLFORD:<br/>10    <b>Q.</b> Mr. Kelley, my name is Gary<br/>11 Willford, I'm representing Ricky Owens in<br/>12 this case. And I just have a few questions<br/>13 for you, because I think that Ms. McDonald<br/>14 has covered most of them.<br/>15    Is it fair to say that you and<br/>16 your family have had a lot of conversations<br/>17 about this case since Bryan got out?<br/>18    A. No, ma'am -- I mean, no, sir.<br/>19    <b>Q.</b> You haven't talked about this<br/>20 case a lot?<br/>21    A. We have not -- Especially when<br/>22 Bryan was around, we wouldn't say a word<br/>23 about it.</p>                                     | <p style="text-align: right;">Page 100</p> <p>1 mind had done -- he sat out there and looked<br/>2 at that jail and his mind had done --<br/>3     <b>Q.</b> Okay. But we didn't do<br/>4 anything to his mother that day, did we?<br/>5     A. No, ma'am -- I mean, no, sir.<br/>6     <b>Q.</b> I just wanted to make sure we<br/>7 got that on the Record, we didn't do<br/>8 anything to Ms. Kelley?<br/>9     A. No. He was thinking that they<br/>10 may do the same thing to my mother that they<br/>11 done to me.<br/>12    <b>Q.</b> Okay. What about -- Let me<br/>13 ask you this: What about you and your wife,<br/>14 how many conversations would you say the two<br/>15 of you have had since Bryan was released<br/>16 from the jail back in January of '04?<br/>17    A. Numerous. Me and her are by<br/>18 ourself.<br/>19    <b>Q.</b> Okay. After we were here the<br/>20 last time and Bryan was out there and you<br/>21 told us about the blank stare and his<br/>22 mother, did he say either Ms. McDonald or I<br/>23 did anything to him during the deposition?</p>                  |

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| <p>1       A. No, sir. It was just being<br/>     2 back here looking at that jail. It all<br/>     3 started coming -- See, we tried to get it<br/>     4 not to be in Coosa County. You couldn't<br/>     5 give Bryan a million dollars to cross that<br/>     6 Coosa County line. He will not come down<br/>     7 here. He's scared to death of this place.</p> <p>8       Q. All right. Now, you said you<br/>     9 have been trying to basically keep the<br/>     10 conversations shorter and shorter and<br/>     11 shorter about what happened as time had gone<br/>     12 by, right? Has that had any effect that<br/>     13 you've been able to tell?</p> <p>14      A. No, sir.</p> <p>15      Q. So he still remembers what<br/>     16 happened to him?</p> <p>17      A. Yes, sir. That's the reason<br/>     18 in those, you can look in his eyes and<br/>     19 there's nothing in there.</p> <p>20      Q. Right. Have you had to have<br/>     21 been reminded about things that might have<br/>     22 happened with your son during these<br/>     23 conversations that you've had with your</p> | <p>1 long time ago?</p> <p>2       A. No, sir. It's short term.</p> <p>3       Q. Short term memory. I think<br/>     4 you gave us some testimony on some things<br/>     5 that Mr. Stroud had said, and you've said<br/>     6 deposition, but I think we clarified that<br/>     7 there wasn't a court reporter there or<br/>     8 anything like that.</p> <p>9       Did Mr. Stroud give a written<br/>     10 statement?</p> <p>11      A. Yes.</p> <p>12      Q. He did?</p> <p>13      A. Well, I don't know if he gave<br/>     14 a written statement. But Mr. Stockham asked<br/>     15 him would it be all right to record it, and<br/>     16 he agreed to record it.</p> <p>17      Q. So there's a recording of that<br/>     18 conversation?</p> <p>19      A. Yes.</p> <p>20                    MR. STOCKHAM: No, there's<br/>     21 not.</p> <p>22                    THE WITNESS: There's not?</p> <p>23                    MR. STOCKHAM: No.</p> |
| Page 102   | Page 104  |
| <p>1 wife?</p> <p>2       A. No, sir.</p> <p>3       Q. So your stroke hasn't had any<br/>     4 impact on your ability to remember what you<br/>     5 were told about what happened with Bryan?</p> <p>6       A. No, sir. My stroke -- strokes<br/>     7 affected my ability to remember phone<br/>     8 numbers and things; like I used to could<br/>     9 find my house without thinking about it, and<br/>     10 now I have to sit down and think.</p> <p>11      Q. Is it your long-term memory<br/>     12 that's been affected?</p> <p>13      A. Well, it killed this whole<br/>     14 fourth of my brain right here (indicating).</p> <p>15      Q. And you're pointing to the<br/>     16 right side of your head?</p> <p>17      A. And those four to the front.<br/>     18 All this happened during -- while he was<br/>     19 incarcerated.</p> <p>20      Q. What I'm asking you is, is it<br/>     21 more your short term memory, things that are<br/>     22 happening right now that you have problems<br/>     23 remembering, or is it things that happened a</p>                                   | <p>1       THE WITNESS: I thought you<br/>     2 recorded it.</p> <p>3       Q. Same question with Mr. Bartly,<br/>     4 is there a written statement of Mr. Bartly<br/>     5 that you may have?</p> <p>6       A. No.</p> <p>7       Q. Do you know if that was<br/>     8 recorded?</p> <p>9       A. No.</p> <p>10      Q. Do you have any recorded<br/>     11 statements at all about this case?</p> <p>12      A. No.</p> <p>13      Q. I think you told us that Bryan<br/>     14 is currently in City of Hope in Anniston;<br/>     15 right?</p> <p>16      I'm sorry, Ensley. I don't<br/>     17 know why I have Anniston here, it's Ensley.<br/>     18 And that's a halfway house; right?</p> <p>19      A. Yes.</p> <p>20      Q. Is he getting any type of drug<br/>     21 or alcohol treatment while he's in there?</p> <p>22      A. They have a nurse that<br/>     23 monitors his medicine.</p>  |

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|---|---|
| <p>1       Q. When I'm talking about drug<br/>2 and alcohol treatment, I'm talking about<br/>3 illegal drug treatment. Is he getting any<br/>4 treatment?</p> <p>5       A. They test him every week.</p> <p>6       Q. But is he getting treatment?</p> <p>7       A. He goes to Dr. Faber.</p> <p>8       Q. For drug addiction?</p> <p>9       A. No. For his mental situation.</p> <p>10      Q. What about for alcohol, is he<br/>11 being treated for that?</p> <p>12      A. No.</p> <p>13      Q. But you said he's receiving<br/>14 mental treatment while he's there in Ensley;<br/>15 is that right?</p> <p>16      A. Yes.</p> <p>17      Q. And he sees Dr. Faber?</p> <p>18      A. Yes, sir.</p> <p>19      Q. Is Dr. Faber coming to the<br/>20 facility where he's at or are they taking<br/>21 him to Dr. Faber?</p> <p>22      A. We take him.</p> <p>23      Q. You take him?</p> | <p>1       A. Yes.</p> <p>2       Q. And you couldn't remember the<br/>3 names of all of them, and that's okay, I'm<br/>4 not going to ask about you that. The reason<br/>5 I wanted to make that clear is to ask you<br/>6 this question: Why has he been in so many<br/>7 different facilities?</p> <p>8       A. The lady that you call -- the<br/>9 social worker that you get in contact with<br/>10 when -- like Bryan was being released. And<br/>11 Wanda got in touch with the social worker,<br/>12 and so she give her a list of homes there in<br/>13 Birmingham right around UAB. And so we took<br/>14 it for granted that the state and all kept a<br/>15 close check on these. But come to find out,<br/>16 nobody don't. She puts herself up as a very<br/>17 nice black lady, but --</p> <p>18      Q. Who is she?</p> <p>19      A. Ms. -- I can't remember her<br/>20 name.</p> <p>21      Q. Where does she work?</p> <p>22      A. She has about five or six of<br/>23 these homes.</p> |
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| <p>1       A. Yes.</p> <p>2       Q. How often does he see<br/>3 Dr. Faber?</p> <p>4       A. Every Tuesday. He works on<br/>5 Tuesdays and Thursdays.</p> <p>6       Q. Works where?</p> <p>7       A. In Pelham. He's not only a<br/>8 doctor of psychiatrist, he's a forensic<br/>9 psychiatrist.</p> <p>10      Q. Okay. Did Bryan see him<br/>11 before he was incarcerated here at the Coosa<br/>12 County Jail?</p> <p>13      A. Not to my knowledge.</p> <p>14      Q. Okay. So he didn't see him<br/>15 until after he was released?</p> <p>16      A. Yes, sir.</p> <p>17      Q. And I'm talking about<br/>18 Dr. Faber.</p> <p>19      A. Yes, sir.</p> <p>20      Q. All right. Now, you've also<br/>21 told us that there were three other<br/>22 facilities that Bryan has been in in<br/>23 Birmingham; is that right?</p>   | <p>1       Q. Okay. These homes that are in<br/>2 Birmingham that you were talking about?</p> <p>3       A. Yes.</p> <p>4       Q. She owns them?</p> <p>5       A. Yes, sir.</p> <p>6       Q. Okay. So you were telling us<br/>7 that you thought the state kept track of<br/>8 these homes?</p> <p>9       A. They have a rating list.</p> <p>10      Q. Okay. And you got that rating<br/>11 list from whom?</p> <p>12      A. The social worker.</p> <p>13      Q. The social worker owns these<br/>14 facilities?</p> <p>15      A. No, sir. The social worker<br/>16 faxes you the names and what they are out to<br/>17 the side of it. Like once a month or once<br/>18 every couple of months someone would go out<br/>19 and have an inspection of this home, and<br/>20 they rate them just like they do cafes.</p> <p>21      Q. Like a health department<br/>22 rating?</p> <p>23      A. Yes, sir. And she had a very</p>  |

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| 1    high rating, so we wanted to put him in a<br>2    good place.<br>3       Well, the first place, the<br>4    first time we went up there, there was two<br>5    blacks under the back porch smoking crack.  | 1    see about who these facilities are.<br>2       Q. (BY MR. WILLFORD): So you<br>3    reported these two folks smoking crack at<br>4    the first facility to Donna?<br>5       A. Uh-huh.<br>6       Q. Did you take Bryan out of that<br>7    facility right then?<br>8       A. Yes. The very day, the same<br>9    day.  |
| 6       Q. Okay.<br>7       A. We knew that wasn't going to<br>8    work.<br>9       Q. Which facility was that, do<br>10   you remember?<br>11       A. It was the first one that we<br>12   put him in, but I can't remember the name of<br>13   it. There was so many -- you know -- so<br>14   many different facilities to put him in.   | 10      Q. Where did he go after that?<br>11       A. To Cornelius'.<br>12       Q. To Cornelius'?<br>13       A. Yes.<br>14       Q. And that's another one of<br>15   these facilities in Birmingham?<br>16       A. Yes.<br>17       Q. Is that owned by the same<br>18   lady, Cornelius'?<br>19       A. No.<br>20       Q. So this is a different owner?<br>21       A. This is a gentleman.<br>22       Q. All right. Why did Bryan<br>23   leave Cornelius'?  |
|   |   |
| 1    name?<br>2       A. She said that --<br>3       Q. No, sir. What is her name?<br>4       A. Donna, if I'm not mistake.<br>5       Q. Do you know her last name?<br>6       A. No, sir.<br>7       Q. Do you know --<br>8       A. Wanda always talked to her on<br>9    the telephone, so all I was getting was I'm<br>10   talking to Donna on the phone.<br>11       Q. You said this Donna faxed you<br>12   this list of facilities?<br>13       A. Yes, sir.<br>14       Q. Do you still have that list of<br>15   facilities?<br>16       A. Yes, sir.<br>17       Q. Have you given that list to<br>18   your attorney?<br>19       A. No, sir.<br>20       MR. WILLFORD: Can we see<br>21   about getting a copy of that?<br>22       MR. STOCKHAM: Sure.<br>23       MR. WILLFORD: Just so we can | 1    A. Well, he's still actually at<br>2    Cornelius'. Cornelius had a building that<br>3    had four in it.<br>4       Q. Four what?<br>5       A. It had six people in it. So<br>6    out back, he had a two-story apartment that<br>7    had one person living downstairs and one<br>8    person living upstairs. And so they moved<br>9    Bryan because Bryan -- he liked Bryan.<br>10   Bryan had done all his plumbing and handy<br>11   work and stuff like that.<br>12       Q. Do you remember this<br>13   gentleman's name?<br>14       A. His name is Cornelius. I know<br>15   that guy's card in my pocket. I'm thinking<br>16   it was Cornelius Burnham.<br>17       Q. Burnham?<br>18       A. Cornelius Burnham, if I'm not<br>19   mistaken.<br>20       You see, it's still actually<br>21   at the same facility but it was three<br>22   different moves. He wanted to build an<br>23   apartment in his basement and let Bryan live |

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| <p style="text-align: right;">Page 113</p> <p>1 in his basement, that was how much he liked<br/>2 him.</p> <p>3 Q. Mr. Burnham owns the facility<br/>4 that Bryan is currently in; is that right?</p> <p>5 A. Yes, sir.</p> <p>6 Q. All right. What about the<br/>7 other two -- We talked about the first one<br/>8 he went, and we're talking now about the<br/>9 Ensley facility. What about the other two<br/>10 in Birmingham that he was moved from?</p> <p>11 A. See, there was only three of<br/>12 them.</p> <p>13 Q. So the third -- Okay. Okay.<br/>14 All right. What about the second one now?</p> <p>15 A. Actually this house was in the<br/>16 front. It housed from four to six people.<br/>17 And like I said, Cornelius liked Bryan and<br/>18 he knew that Bryan knew a lot about<br/>19 carpenter work and stuff like that. So he<br/>20 made a deal with Bryan that he would cut his<br/>21 rent half in two and give him a private<br/>22 room, his own bath, you know, and he didn't<br/>23 have to share anything with anybody. And</p> | <p style="text-align: right;">Page 115</p> <p>1 A. She reported it to the state.<br/>2 Q. Okay.</p> <p>3 A. Because in these facilities,<br/>4 they're supposed to provide them with three<br/>5 meals a day, a nurse on-call to administer<br/>6 the medication, and heating and cooling, a<br/>7 nice place to live, because he was having to<br/>8 pay from five hundred to a thousand dollars<br/>9 a month.</p> <p>10 Q. Okay. Other than Mr. Bartly<br/>11 and Junior Miller, are you aware of any<br/>12 other inmate who was treated poorly in the<br/>13 Coosa County Jail during the time that Bryan<br/>14 was there?</p> <p>15 A. I don't know of anyone being<br/>16 treated poorly. But I remember there was an<br/>17 inmate named Selman, and he still calls<br/>18 today.</p> <p>19 Q. Can you spell that?</p> <p>20 A. Selman.</p> <p>21 Q. S-E-L-M-A?</p> <p>22 A. S-E-L-M-A-N.</p> <p>23 Q. Is that his first or last</p> |
| <p style="text-align: right;">Page 114</p> <p>1 the guy upstairs, you know, didn't have<br/>2 anything to do with him.</p> <p>3 Q. Let me see if I can come at it<br/>4 this way. You told me you had a problem<br/>5 with the first facility that Bryan was in<br/>6 because of the two folks you saw smoking<br/>7 crack.</p> <p>8 A. Yes, sir.</p> <p>9 Q. Of any of the other places<br/>10 that Bryan has been, and I'm talking about<br/>11 hospitals, halfway houses, treatment<br/>12 facilities, anything at all like that that<br/>13 he has been in, have you had problems with<br/>14 any of the other facilities?</p> <p>15 A. No, sir.</p> <p>16 Q. So this lady Donna, that one<br/>17 facility is the only one you've had problems<br/>18 with?</p> <p>19 A. Yes, sir. And she did go and<br/>20 check it. And . . .</p> <p>21 Q. I'm sorry. You told Donna<br/>22 about it. You couldn't remember the name of<br/>23 the lady that rented it?</p>   | <p style="text-align: right;">Page 116</p> <p>1 name?</p> <p>2 A. That was all we ever known him<br/>3 as is Selman.</p> <p>4 Q. And he calls the house that<br/>5 you're at now?</p> <p>6 A. He calls about every week now.</p> <p>7 Q. Do you know his phone number?</p> <p>8 A. I can get it.</p> <p>9 Q. Do you know where he lives?</p> <p>10 A. He said he seen Al Bradley hit<br/>11 Bryan on numerous occasions.</p> <p>12 Q. Do you know where Mr. Selman<br/>13 lives?</p> <p>14 A. In Selma, Alabama. That's the<br/>15 reason we call him Selman.</p> <p>16 Q. Gotcha. Do you know anybody<br/>17 else that lives in Selma that might call<br/>18 you?</p> <p>19 A. No, sir.</p> <p>20 Q. What about before Bryan was<br/>21 incarcerated, has anybody at the Coosa<br/>22 County Jail -- has anybody come forward and<br/>23 told you that they were abused or mistreated</p>  |

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| <p style="text-align: center;">Page 117</p> <p>1    during any time prior to Bryan being in the<br/>2    jail?<br/>3    A.   In the State of Alabama, Coosa<br/>4    County.<br/>5    Q.   Sir, answer my question. Has<br/>6    anybody come to you and said that I was<br/>7    mistreated prior to the time that your son<br/>8    was in the jail?<br/>9    A.   Yes.<br/>10   Q.   Who?<br/>11   A.   Scotty Thomas.<br/>12   Q.   He's the one who's dead;<br/>13   right?<br/>14   A.   No. He's very much alive.<br/>15   David -- Scotty Thomas, Mr. Bartly.<br/>16   Q.   Other than Bartly and Junior<br/>17   Miller, we've already talked about them.<br/>18   A.   They're the only ones that I<br/>19   can.<br/>20   Q.   Okay. Let's talk about Scotty<br/>21   Thomas then. What did he say was done to<br/>22   him while he was in the Coosa County Jail?<br/>23   A.   He said that he didn't -- on</p> | <p style="text-align: center;">Page 119</p> <p>1    A.   Not that I know of.<br/>2    Q.   You may have answered this<br/>3    question in a different way, but I want to<br/>4    ask it just to be sure. You have testified<br/>5    about a number of conversations that you've<br/>6    had with different -- or that you had with<br/>7    different defendants in this case, Ricky<br/>8    Owens, Wendy, and different folks. Were any<br/>9    of those conversations, whether they were in<br/>10   person or on the telephone, recorded?<br/>11   A.   No, sir.<br/>12   Q.   Do you know of any<br/>13   conversations that your wife might have had<br/>14   with any of the defendants in this case that<br/>15   were recorded?<br/>16   A.   No, sir.<br/>17   Q.   And I think you testified<br/>18   about at least one car accident that Bryan<br/>19   was in. That's the one with the first<br/>20   degree assault charges came out of?<br/>21   A.   Yes, sir.<br/>22   Q.   Has he been in any other car<br/>23   wrecks besides that one?</p> |
| <p style="text-align: center;">Page 118</p> <p>1    the grits, it was supposed to be grits that<br/>2    they cooked for breakfast. There would be<br/>3    beetles in the grits, things moving around<br/>4    in it. I guess it's grits. He said he<br/>5    couldn't eat, the way he put it, slop.<br/>6    Q.   Anything else?<br/>7    A.   No.<br/>8    Q.   When was Mr. Thomas in the<br/>9    Coosa County Jail?<br/>10   A.   I have no idea.<br/>11   Q.   But you're sure it was before<br/>12   your son was in?<br/>13   A.   Yes, sir.<br/>14   Q.   All right. Do you know where<br/>15   Mr. Thomas is now?<br/>16   A.   He lives on Houston Road.<br/>17   Q.   Here in Rockford?<br/>18   A.   It's Stewartville, in<br/>19   Stewartville.<br/>20   Q.   Okay. Has Bryan ever had a<br/>21   car stolen?<br/>22   A.   Stolen?<br/>23   Q.   Yes, sir.</p>  | <p style="text-align: center;">Page 120</p> <p>1    A.   He's had several in his<br/>2    lifetime.<br/>3    Q.   About how many, would you say?<br/>4    A.   Like four.<br/>5    Q.   Were any of the others as<br/>6    serious as the one that he had that resulted<br/>7    in the charges?<br/>8    A.   No, sir.<br/>9    Q.   Was he ever hospitalized as a<br/>10   result of any of the other wrecks?<br/>11   A.   No, sir.<br/>12   Q.   In testifying about<br/>13   Mr. Bradley, earlier, I think you said that<br/>14   Bryan said he would wait for -- or he would<br/>15   wait at night to hear a click, and that<br/>16   would let him know that Al was coming; was<br/>17   that right?<br/>18   A.   Yes, sir.<br/>19   Q.   All the incidents that Bryan<br/>20   has told you about, involving Mr. Bradley,<br/>21   did those occur at night?<br/>22   A.   To my knowledge, I do not<br/>23   know.</p>   |

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|   |  |
| 1 <b>Q.</b> You don't know. Okay.<br>2              Why would he lay awake at<br>3      night waiting for a click if they didn't<br>4      happen at night?<br>5        A. To my knowledge, I don't -- I<br>6      have no idea.<br>7 <b>Q.</b> Okay.<br>8        A. Most jailers just go up and<br>9      stick the key and turn the lock.<br>10 <b>Q.</b> What was the click from, do<br>11     you know?<br>12      A. Where he was sliding that key<br>13     and turning it real soft.<br>14 <b>Q.</b> Okay. But he did tell you he<br>15     would lay awake at night waiting for that<br>16     click?<br>17      A. Yes.<br>18 <b>Q.</b> You also testified that my<br>19     client, Ricky Owens, told you that it was<br>20     costing him nine hundred dollars a month to<br>21     keep your son?<br>22      A. Yes, sir.<br>23 <b>Q.</b> What was that nine hundred | 1        A. To my knowledge, no.<br>2 <b>Q.</b> Okay. That's what I'm asking,<br>3      if you know?<br>4        A. No. Huh-uh.<br>5 <b>Q.</b> All right. You testified also<br>6      about a, as you put it a photostatic copy,<br>7      that you have of what sounds like to me is a<br>8      medication log; is that correct?<br>9        A. Correct.<br>10 <b>Q.</b> Where did you get that copy?<br>11      A. From the jailhouse.<br>12 <b>Q.</b> Who gave it to you?<br>13      A. They gave it to my wife. So I<br>14     don't know who gave it to her.<br>15 <b>Q.</b> Okay. But somebody from the<br>16     jail gave it to her?<br>17      A. Yes.<br>18 <b>Q.</b> And she hasn't told you who<br>19     that was?<br>20      A. I never asked her.<br>21 <b>Q.</b> When did she get it?<br>22      A. Right after Bryan was released<br>23     from Bullock.   |
| Page 122  | Page 124   |
| 1      dollars for?<br>2      A. The medicines they was giving<br>3      him.<br>4 <b>Q.</b> Okay. And when did he tell<br>5      you that? Was it during one of the three<br>6      meetings that you had with him?<br>7      A. Yes, sir. The meeting that me<br>8      and him and Sergeant Jackson had.<br>9 <b>Q.</b> Was that the one here at the<br>10     office?<br>11     A. The one in the office over at<br>12     the jailhouse.<br>13 <b>Q.</b> Okay. Do you know who it was<br>14     that put David Kelley in the hole, as you<br>15     called it?<br>16     A. No, sir.<br>17 <b>Q.</b> He never told you?<br>18     A. No, sir.<br>19 <b>Q.</b> Do you know who it was that he<br>20     asked for a blanket?<br>21     A. No, sir.<br>22 <b>Q.</b> Do you know why Junior Miller<br>23     was being held in the Coosa County Jail?                           | 1 <b>Q.</b> That would have been in 2005?<br>2      A. I presume -- No, it wasn't.<br>3      He had to have got it before then. I can't<br>4      remember when she got it. But she's got it.<br>5 <b>Q.</b> Does Bryan have a time he's<br>6      supposed to be released from the facility in<br>7      Ensley?<br>8      A. No, sir.<br>9 <b>Q.</b> Okay. So he's not -- it's not<br>10     a program time?<br>11     A. No.<br>12 <b>Q.</b> All right. Is there any kind<br>13     of goal or benchmark that's been set that<br>14     he's supposed to meet before he leaves that<br>15     facility?<br>16     A. No, sir.<br>17 <b>Q.</b> Have y'all talked about any<br>18     plans about him leaving it at some time in<br>19     the future?<br>20     A. Yes, sir. We going to try to<br>21     get it -- get him admitted to Bryce.<br>22 <b>Q.</b> You're trying to get him<br>23     admitted to Bryce? |

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|   |  |
| 1 A. Yes, sir.                                  | 1 a trial date set right now?                  |
| 2 Q. Have you done anything as we               | 2 A. No, sir. Mr. Luker, who is                |
| 3 sit here today, to get him admitted to        | 3 our attorney, said he will ride it out as    |
| 4 Bryce?  | 4 long as he could.                            |
| 5 A. Yes, sir.                                  | 5 Q. Where did that wreck occur?               |
| 6 Q. What have you done?                        | 6 A. November the 23rd.                        |
| 7 A. We've had a lawyer draw up a               | 7 Q. I'm sorry, where?                         |
| 8 power of attorney where we can get all of     | 8 A. On 280.                                   |
| 9 his medical reports and if we have power of   | 9 Q. In which county?                          |
| 10 attorney over him.                           | 10 A. Talladega County.                        |
| 11 Q. And then I guess from that                | 11 Q. Was that in the city or just             |
| 12 you're intending to submit something to      | 12 out in the county?                          |
| 13 Bryce; is that right?                        | 13 A. Yes, in the city.                        |
| 14 A. Yes, sir.                                 | 14 Q. Which city, Talladega?                   |
| 15 Q. And you just haven't done that            | 15 A. Talladega County, City of                |
| 16 yet?   | 16 Sylacauga.                                  |
| 17 A. No, sir.                                  | 17 Q. If Bryan were released today,            |
| 18 Q. Is it because you're gathering            | 18 would you allow him to move back into your  |
| 19 the documents right now?                     | 19 house?                                      |
| 20 A. Yes. My wife's mother is                  | 20 A. No, sir.                                 |
| 21 dying of melanoma cancer, and she has until  | 21 Q. Why not?                                 |
| 22 the 17th of this month to live, and that was | 22 A. When he blanks out like he               |
| 23 what the doctor said. And so we've -- we've  | 23 does, he don't know what he's doing, where  |
| Page 126  | Page 128                                       |
| 1 been pretty much worried with it.             | 1 he's at.                                     |
| 2 Q. You've been busy with your                 | 2 Q. Is that threatening to you in             |
| 3 wife's mother?                                | 3 some way?                                    |
| 4 A. Yes, sir.                                  | 4 A. Well, it's not threatening to             |
| 5 Q. Okay. I understand.                        | 5 me, because I can sit down and talk to Bryan |
| 6 A. She is not able to get out of              | 6 and talk him out of that. But when he goes   |
| 7 bed, so we have to go and do what we can.     | 7 into this staring situation, it's always Al  |
| 8 Q. If Bryan wanted to leave the               | 8 Bradley. Al Bradley. And he may look at      |
| 9 Ensley facility right now, could he?          | 9 you and think you're Al Bradley.             |
| 10 A. No, sir.                                  | 10 Q. Has he talked to you like you            |
| 11 Q. Why not?                                  | 11 were Al Bradley before?                     |
| 12 A. It's court ordered that he                | 12 A. No, sir.                                 |
| 13 stay.  | 13 Q. Have you seen him talk to                |
| 14 Q. Okay. Is that court order                 | 14 anyone else like they were Al Bradley,      |
| 15 indefinite?                                  | 15 before?                                     |
| 16 A. Well, until he goes to court              | 16 A. One occasion when he was                 |
| 17 on the car wreck.                            | 17 beating that doll.                          |
| 18 Q. I understand. So he's there               | 18 Q. You said doll?                           |
| 19 in lieu of being in a jail; is that right?   | 19 A. (Witness nods head                       |
| 20 A. Yes.                                      | 20 affirmatively.)                             |
| 21 Q. Awaiting trial on the charges?            | 21 Q. I guess my question is has he            |
| 22 A. Yes, sir.                                 | 22 done that to a person?                      |
| 23 Q. And you do not know if there's            | 23 A. No, sir.                                 |

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|---|--|
| <p>Page 129</p> <p>1 Q. Any other reason why you<br/>2 wouldn't let him move back into your house?<br/>3 A. Well, that scares me when<br/>4 he -- when someone loses control of their<br/>5 mind, and they don't even know who they are,<br/>6 and the only thing that they can think about<br/>7 is Al Bradley.</p> <p>8 Q. Have you and your wife<br/>9 discussed whether or not you'd let Bryan<br/>10 come back to the house?</p> <p>11 A. Yes, sir.</p> <p>12 Q. What is her opinion of that?</p> <p>13 A. We want him in a facility<br/>14 where he can get -- See, they can --</p> <p>15 Q. I'm asking you what your<br/>16 wife's opinion is.</p> <p>17 A. She was the same as me. She<br/>18 wants to be able to put Bryan in a place<br/>19 where he can get help. And when he was at<br/>20 Hillcrest, they wanted to do shock<br/>21 treatments and burn that part of his brain<br/>22 out.</p> <p>23 Q. Who is they that wanted to</p> | <p>Page 131</p> <p>1 REPORTER'S CERTIFICATE<br/>2 STATE OF ALABAMA,<br/>3 ELMORE COUNTY,<br/>4 I, Sara Mahler, Certified Shorthand<br/>5 Reporter and Commissioner for the State of<br/>6 Alabama at Large, do hereby certify that the<br/>7 above and foregoing proceeding was taken<br/>8 down by me by stenographic means, and that<br/>9 the content herein was produced in<br/>10 transcript form by computer aid under my<br/>11 supervision, and that the foregoing<br/>12 represents, to the best of my ability, a<br/>13 true and correct transcript of the<br/>14 proceedings occurring on said date and at<br/>15 said time.<br/>16 I further certify that I am neither<br/>17 of kin nor of counsel to the parties to the<br/>18 action; nor in any manner interested in the<br/>19 result of said case.<br/>20<br/>21</p> <hr/> <p>22 Sara Mahler, CSR,<br/>23 for the State of<br/>Alabama at Large.</p> |
| <p>1 give him shock treatment?</p> <p>2 A. The doctors.</p> <p>3 Q. Which doctors?</p> <p>4 A. There's been so many doctors.</p> <p>5 Q. Whoever this doctor or doctors<br/>6 were, did they discuss these shock<br/>7 treatments with you?</p> <p>8 A. No, sir.</p> <p>9 Q. Who did they discuss them<br/>10 with?</p> <p>11 A. With Bryan.</p> <p>12 Q. All right. So is it fair to<br/>13 say that you only know about the shock -- or<br/>14 the proposed shock treatments through Bryan?</p> <p>15 A. Yes.</p> <p>16 Q. I'm almost done here,</p> <p>17 Mr. Kelley.</p> <p>18 MR. WILLFORD: Mr. Kelley<br/>19 that's all I have. Thank you very much.</p> <p>20 MS. MCDONALD: I don't have<br/>21 anything else.</p> <p>22 (The deposition was concluded at 12:50 p.m.,<br/>23 September 24th, 2007.)</p>  |  |

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